



## **Town of Arlington Select Board**

### **Meeting Agenda**

February 25, 2019

7:15 PM

Select Board Chambers, 2nd Floor, Town Hall

1. Discussion: Pediatric Pan Mass Challenge  
Luisa Paiewonsky  
Lauren Bain and Otis Adams
2. Community Preservation Committee Presentation  
Eric Helmuth, Chair

### **CONSENT AGENDA**

3. Minutes of Meetings: February 11, 2019
4. Patriots' Day Committee Events, April 14, 2019
  - a) 55th Annual Patriots' Day Fun Run at 8:45 a.m. along Massachusetts Avenue;
  - b) Menotomy Reenactment at 12/Noon at the Jason Russell House;
  - c) Patriots' Day Parade at 2:00 p.m.

Christine Bongiorno, Patriots' Day Parade Committee Chair  
Director of Health and Human Services
5. For Approval: Change of Manager - All Alcohol License  
Jose Maltes, 468 Mystic Street, Winchester Country Club
6. For Approval: Change of Stock Interest - All Alcohol License  
Shu Ying Zeng, 303A Broadway, Fusion Taste
7. Request: Special (One Day) Beer & Wine License, 3/9/19 at Robbins Memorial Town Hall for a Private Event  
Stacey and David Mann
8. Request: Special (One Day) Beer & Wine License, 3/16/19 @ Robbins Memorial Town Hall for a Private Event  
Jonathan Carr
9. Request: Special (One Day) Beer & Wine License, 3/23/19 @ Lesley Ellis School, 34 Winter Street for a Spring Fundraiser  
Allison Raynor, Advancement Coordinator, Lesley Ellis School

## **APPOINTMENTS**

10. Community Development Block Grant (CDBG) Sub-Committee  
Sarah Lee (term to expire 1/31/2022)  
(tabled from 2/11/19 meeting)

## **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

11. Discussion & Approval: MBTA Bus Stop Signage Installation and Replacement Initiative  
Daniel Amstutz, Senior Transportation Planner
12. Discussion & Approval: Bus Rapid Transit Pilot Results and Recommendation For Permanent Implementation  
Daniel Amstutz, Senior Transportation Planner
13. Discussion & Approval: RFP for 2019 Beer Garden  
Adam W. Chapdelaine, Town Manager
14. Vote: Special Town Meeting, April 29, 2019  
Adam W. Chapdelaine, Town Manager
15. For Approval: Opening of Special Town Meeting Warrant
16. Discussion: Future Select Board Meetings, April 2019

## **WARRANT ARTICLE HEARINGS**

17. Articles for Review:
  - Article 31 Bylaw Amendment/Rename Community Preservation Committee
  - Article 32 Bylaw Amendment/Tree Protection and Preservation
  - Article 33 Bylaw Amendment/Notice of Demolition (tabled from 2/11/19 meeting)
  - Article 36 Vote/Election Modernization Study Group
  - Article 37 Vote/Remove Police Chief From Civil Service
  - Article 42 Home Rule Legislation/Town Treasurer
  - Article 46 Acceptance of Legislation/Establishment of a Commission on Disabilities Fund
  - Article 47 Acceptance of Legislation/PEG Access Fund

## **FINAL VOTES & COMMENTS**

### Articles for Review:

- Article 28 Bylaw Amendment/Recycling Committee Membership and Mission
- Article 29 Bylaw Amendment/Regulation of Polystyrene
- Article 34 Bylaw Amendment/Regulation of Outdoor Lighting - Dark Skies Bylaw
- Article 44 Home Rule Legislation/CPA Surcharge Exemption For Senior Homeowners
- Article 45 Extending Local Voting Rights to All Legal Permanent Arlington Residents
- Article 50 Local Option/Short Term Rental Impact Fees

## **CORRESPONDENCE RECEIVED**

18. Air Plane Noise Update  
Frank Ciano, Arlington Liason, Massport Community Advisory Committee
19. Requesting Snow Plow Drivers to Limit Speed  
David Bean, 50 Jason Street

20. Concerns Regarding AHS Building Project  
Peter G. Silva, 73 Fountain Road

**NEW BUSINESS**

**EXECUTIVE SESSION**

Next Scheduled Meeting of Select Board March 11, 2019.



## Town of Arlington, Massachusetts

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### Discussion: Pediatric Pan Mass Challenge

#### **Summary:**

Luisa Paiewonsky

Lauren Bain and Otis Adams

#### **ATTACHMENTS:**

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Pan_Mass_Challenge_Letter.pdf	Reference

730 Massachusetts Avenue  
Arlington, MA 02476

Dear Board of Selectmen,

Our names are Lauren Bain and Otis Adams, and we are sophomores at Arlington High School. We are lifelong Arlington residents and graduates of Dallin Elementary School and Ottoson Middle School. We are seeking approval from the Board of Selectmen and the Arlington Police Department to issue a permit for us to initiate Arlington's inaugural Pan-Mass Challenge Kids Ride. The ride would take place entirely on an Arlington section of the Minuteman Bikeway in the spring of 2019. We would also need a permit from the Recreation Department to use Town recreational facilities to stage the ride. One potential route, subject to approval by the Town, would be on the Minuteman Trail, roughly between Hurd Field and the Uncle Sam statue and turnaround in Arlington Center. We propose to stage the ride early on a Sunday morning in late spring of 2019.

The Kids Rides are part of the Pan-Mass Challenge, which has raised tens of millions of dollars to support the Dana-Farber Cancer Institute's Jimmy Fund for cancer research. Many cities and towns across Massachusetts have hosted Kids Rides, though Arlington has not yet held one. We have both participated in the Pan Mass Challenge Kids Rides in Chelmsford and together we have raised over \$15,000 for the Jimmy Fund.

Our passion for this ride, you may be wondering, comes from our personal experiences with cancer. I (Lauren) lost my father to brain cancer when I was only 7 years old. Our family was helped by many friends and neighbors in Arlington as well as The Children's Room, an Arlington-based organization that helps families with children and teenagers deal with loss. There, we were surprised to find how many other families in this area had dealt with the same experience. We also learned about the Pan Mass Challenge Kids Ride. My father was an avid bicyclist, usually biking about 50 miles every Sunday, so we thought it was only fitting to celebrate his life through something that marked his life a great deal. Through that we spread the word to many families in the Dallin Community, as well as other school districts. I (Otis) have also had personal experience with cancer. My grandmother, who I was always very close to, battled breast cancer several times throughout her life. Her passing motivated me to take further action. My family is very active in the biking community, and because of my history with this ride I felt this would be the perfect way to give back to such a supportive town.

In 2013, we formed a small team, called Team Dallin, in order to participate in and raise money for the Chelmsford Kids PMC. At first, we only had about 5 group members. We raised over \$2,000 that year. In 2014, we called upon the Dallin Community again, and rode with over 20 members. In total, the team raised over \$10,000. When we attended the Ottoson, we realized that other students needed just as much support as we did at Dallin. That's how we decided to create a Team Arlington, and raised more money for the PMC Kids Ride. Now, as Arlington High School students, we would like to organize a ride here in Arlington.

So, why Arlington? Our community has witnessed many cancer-related deaths in these past years, such as Katherine Malatesta, an athlete and beloved student who attended Arlington High School, and Katherine Wall, a devoted and popular after-school teacher at Dallin Elementary School. Arlington is in need of an event that raises funds to fight cancer, honors the people we lost, and reminds people that they have a strong support system among their fellow community members who will always be ready to lend a hand. Arlington needs a Pan Mass Challenge Kids Ride, and we are more than ready to start it.

The Minuteman Trail route we will propose would run roughly between Hurd Field and Arlington Center. In total, one full loop would be four miles (for younger children) and two loops would total about 8 miles. As in the Chelmsford PMC Kids Ride, we would plan to split the riders into two groups, those biking only four miles, and those biking the full eight miles. At the start of the race, we would give the four-mile (one loop) riders a head start, in order to avoid other riders. At the halfway point of each of the rides, water stations will be provided, staffed by volunteers.

We have been in contact with Ms. Marie Krepelka and Officer Corey Rateau, and both have been very helpful and informative. We know the Police Department wants to keep us all safe, so we will take the following steps to keep the ride safe. We would limit the number of participating riders to 50 (not including several adult Ride Safety Marshals). Police details would be stationed at various points due to the intersections that occur throughout the Minuteman Bikeway. In addition to the Ride Safety Marshals, other volunteers would stand at intersections to make sure that kids stay on the trail. All of these factors would decrease safety concerns, but we also understand that police details and the potential use of Hurd Field would cost money on our end. We plan to raise this money through tag sales and support from the Pan Mass Challenge organization. We hope to stage the ride and have some family activities (face painting, water balloon toss), etc.) before and after the ride, and we would also need approval from the Recreation Department to use Town recreational facilities to stage these. We have communicated with Jon Marshall, Director of the Recreation Department about the proposed PMC Kids Ride. He has been very helpful and has committed to helping us find appropriate sites.

Thank you very much for your consideration of this letter. At the invitation of Ms. Krepelka, we will come to an upcoming Board of Selectmen Meeting discuss this proposal further. We look forward to working with you to support this great community event for a great cause.

Sincerely,



Lauren Bain





## Town of Arlington, Massachusetts

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### Community Preservation Committee Presentation

#### Summary:

Eric Helmuth, Chair

#### ATTACHMENTS:

Type	File Name	Description
□ Reference Material	CPA_FY20_Select_Board_packet.pdf	Proposed FY20 CPA Projects

## Proposed FY20 CPA Projects

### HISTORIC PRESERVATION

#### **1. Whittemore Park Revitalization – Phase 1**

*Town of Arlington, Department of Planning and Community Development*

Amount Requested: \$415,013 - 540,429

Total Project Cost: \$1,474,194

The Whittemore Park was created in 1989 when the Jefferson Cutter House was moved to its present site at the corner of Massachusetts Avenue and Mystic Street. The park itself contains a small section of railroad track, the remains of a railroad line built around 1846. Today the park and its parking lot are located at the heart of the town and hosts many community and arts-related events throughout the year.

FY18 CPA funds were used to devise the plan and conceptual designs for this project. The requested funds would provide for the implementation of the first phase of the revitalization plan of the park (detailed plans and construction). The improvements planned for the first phase are renovations to the portion of the park in front of the Jefferson Cutter House: creation of a circuit path, removal of trees, planting new trees, renovations to the rail corridor, and improvements to the central lawn. Future phases would cover new accessible paths to the museum, improvements to the rear stairway, replacement of an existing side garden, creation of a new pedestrian plaza and more.

#### **2. Tercentenary Marker Restoration**

*Town of Arlington, Town Manager's Office*

Amount Requested: \$3,500

Total Project Cost: \$3,500

Arlington is home to two historical markers erected in 1930, the tercentenary of the foundation of the Massachusetts Bay Colony. One of these signs marks the property of the Jason Russell House, and the other marks the site of a road that led to Captain George Cooke's grist mill, the first built in the area. The sites have notable historical value in the context of Arlington's early history as a milling village implicated in Revolutionary history, and the signs themselves provide insight into the historical attitudes of the 1930s by the inscriptions on them. However, both signs have fallen into disrepair, with major corrosion and paint loss visible on the markers and their posts. This project would repair and preserve these public monuments to Arlington's history and historiography through anti-corrosion action, restoration and repainting of the posts and markers.

#### **3. Old Burying Ground Restoration - Phase I**

*Town of Arlington - Cemetery Commission and Historical Commission*

Amount Requested: \$379,144

Total Project Cost: \$2,000,000

The Old Burying Ground is a historic cemetery in Arlington that was in use from 1736-1843. It contains numerous historical graves and tombs from this time period, perhaps the most notable being the 19-foot tall stone obelisk marking the tomb of the minutemen killed in the Battle of Menotomy. This project would repair/rebuild the perimeter wall along Peg Spengler Way as its first priority, due to its advancing state of disrepair, existing spot failures and possibility of

collapse. This perimeter wall is integral to the adjacent mound tombs. Other work includes tree pruning and targeted removals to prevent further damage and loss.

#### **4. Whittemore Robbins Cottage Exterior Rehabilitation**

*Town of Arlington, Department of Health and Human Services*

Amount Requested: \$154,000

Total Project Cost: \$640,000

The Whittemore Robbins cottage is one of three structures within the Whittemore Robbins Estate which was built in the early 1800s, and moved to their present location in 1890 to make space for the Robbins Library. In 1997, the main Whittemore Robbins mansion, the home of the Arlington Youth Counseling Center, was rehabilitated. In 2017, the Whittemore Robbins Carriage House exterior was rehabilitated through CPA funding, and this project seeks to perform the same work on the adjacent Cottage, which has fallen into disrepair. Through the Arlington Capital Budget process, the Health and Human Services Department sought funds to rehabilitate the interior of the building through the addition of new offices and restrooms due to increasing demands on the building by the Arlington Youth Counseling Center and events held in the nearby area.

### OPEN SPACE AND RECREATIONAL LAND

#### **5. Arlington Reservoir Project – Phase 2**

*Recreation Department*

Amount Requested: \$500,000

Total Project Cost: \$4,500,000

The Arlington Reservoir is a special place to many residents, providing both active and passive recreational opportunities in its water. Considerable study has determined that the Reservoir is in need of considerable upgrades. CPA funding from past years paid for a planning and design phase, and Phase 1 of the project, now in progress, that will upgrade the pump systems and pump building. This appropriation would commence Phase II. Among the improvements planned for Phase II are: Trail and Perimeter Improvements, Bath House Renovations, Parking Lot and Fence Improvements, a Boat Ramp, Beach Infrastructure Improvements, Signage, and many other renovation considerations. Phase 2 is expected to cost \$3.5 million; this round of CPA funding would pay for design and engineering documents, demolition, and site preparation.

#### **6. North Union Playground Reconstruction**

*Recreation Department*

Amount Requested: \$325,000

Total Project Cost: \$425,000

The North Union Playground is a playground in East Arlington, and one of the most heavily used in the town. The equipment was installed in 1996, has exceeded its useful life expectancy, and is in need of replacement. The surfacing of the playground was redone 10 years ago, but is failing and must be addressed. This project would support the replacement of the play equipment and surfacing, as well as the landscaping, path connections, and furnishings of the playground. Representative Garballey secured \$100,000 from the state budget for the project, and over 100 residents have mobilized to support the work.

## **7. Study of Spy Pond Field Bleachers**

*Arlington Department of Public Works*

Amount Requested: \$53,000

Total Project Cost: \$53,000

The Spy Pond Field is a multi-use sports venue which hosts baseball, little league, soccer, and lacrosse. The original concrete bleacher construction dates back to 1910, and the facility is in a significant state of disrepair. In 2014, a structural engineering consultant, expert in the restoration of concrete structures, concluded that the structure would cost between \$468,000 and \$840,000, not including the cost of making the facility ADA-compliant. Before moving forward with the restoration, this project would study the current use and need of the structure, and take input from the community. This project would evaluate the current use of the structure as well as engage the public and key stakeholders through the formation of a working group and three public meetings, in order to map the desired future of the facility as a whole.

## COMMUNITY HOUSING

### **8. Winslow Towers Building Envelope Repair**

*Arlington Housing Authority*

Amount Requested: \$500,000

Total Project Cost: \$2,080,163

Winslow Towers is a 13-story building owned and operated by the Arlington Housing Authority and provides 132 units for elderly/disabled residents. There are active water leaks through the enclosure in multiple units. Appropriate studies and cost estimates are in place for addressing water infiltration, facade distress conditions, window replacement, sealant replacement, and asbestos remediation. This project would leverage \$500,000 in CPA funds and \$550,000 from AHA operating reserves as the local match for DHCD grants to cover the balance of the total cost. CPA funds will be dedicated to the replacement of windows.

**CPAC FY20 Provisional Recommendations**

<b>Project/Expenditure</b>	<b>Applicant</b>	<b>Amount Requested</b>	<b>Notes</b>
<b><i>Historic Preservation</i></b>			
1 Whittemore Park Revitalization - Phase 1	Planning and Community Development	\$ 415,013	
2 Tercentenary Marker Restoration	Town Manager's Office	\$ 3,500	
3 Old Burying Ground Restoration - Phase 1	Cemetery & Historical Commission	\$ 379,144	
4 Whittemore Robbins Cottage Exterior Rehabilitation	Health and Human Services	\$ 154,000	
<b><i>Open Space/Recreation</i></b>			
5 Arlington Reservoir - Phase 2	Recreation Department	\$ 500,000	
6 North Union Playground	Recreation Department	\$ 325,000	Will be reduced if CDBG partially funds this project (remainder to Whittemore Park)
7 Study of Spy Pond Field Bleachers	Department of Public Works	\$ 53,000	
<b><i>Community Housing</i></b>			
8 Winslow Towers Envelope Repair	Arlington Housing Authority	\$ 500,000	
	<b>Project Funding subtotal</b>	<b>\$ 2,329,657</b>	
<b><i>Non-project appropriations</i></b>			
9 CPAC administrative expenses		\$44,801	Salary offsets, dues, project signage, supplies (2.75% of annual CPA revenue)
10 Reserve appropriation		\$0	
	<b>Total Project and Admin Expenses</b>	<b>\$ 2,374,458</b>	
	<b>Estimated Funds available for appropriation</b>	<b>\$ 2,374,458</b>	
	<b>Surplus/(Deficit)</b>	<b>\$ -</b>	

**Estimated Funds available for appropriation**

FY20 Local CPA Surcharge	\$ 1,458,403	
FY20 State Match	\$ 170,740	(12% state match projected)
Fund Balance	\$ 745,315	
<b>Total Estimated Funds available for appropriation</b>	<b>\$ 2,374,458</b>	



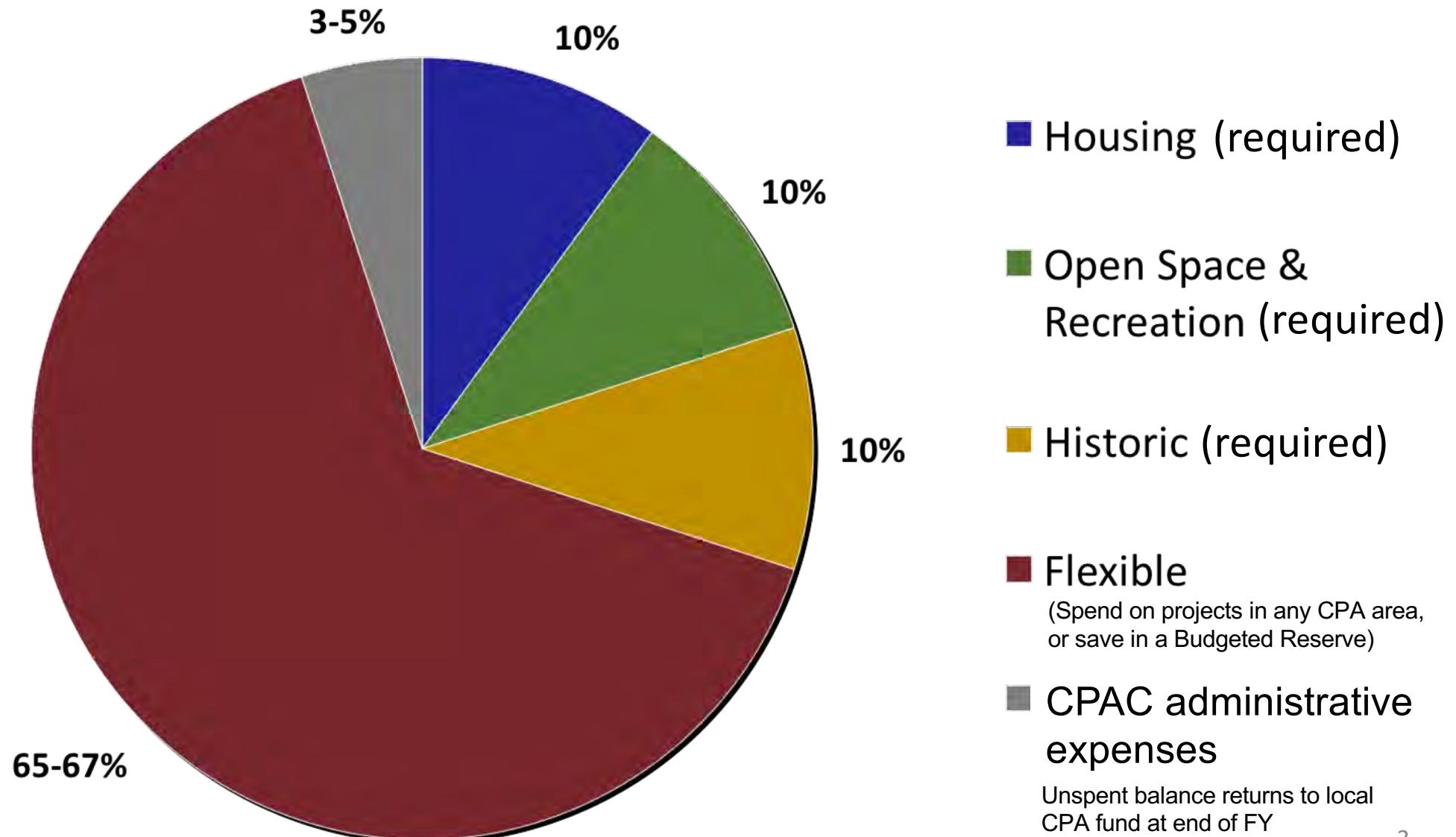
# **Community Preservation Act Committee**

## **Presentation to Select Board 2/25/19**

# CPA Project Areas



# Annual CPA Spending

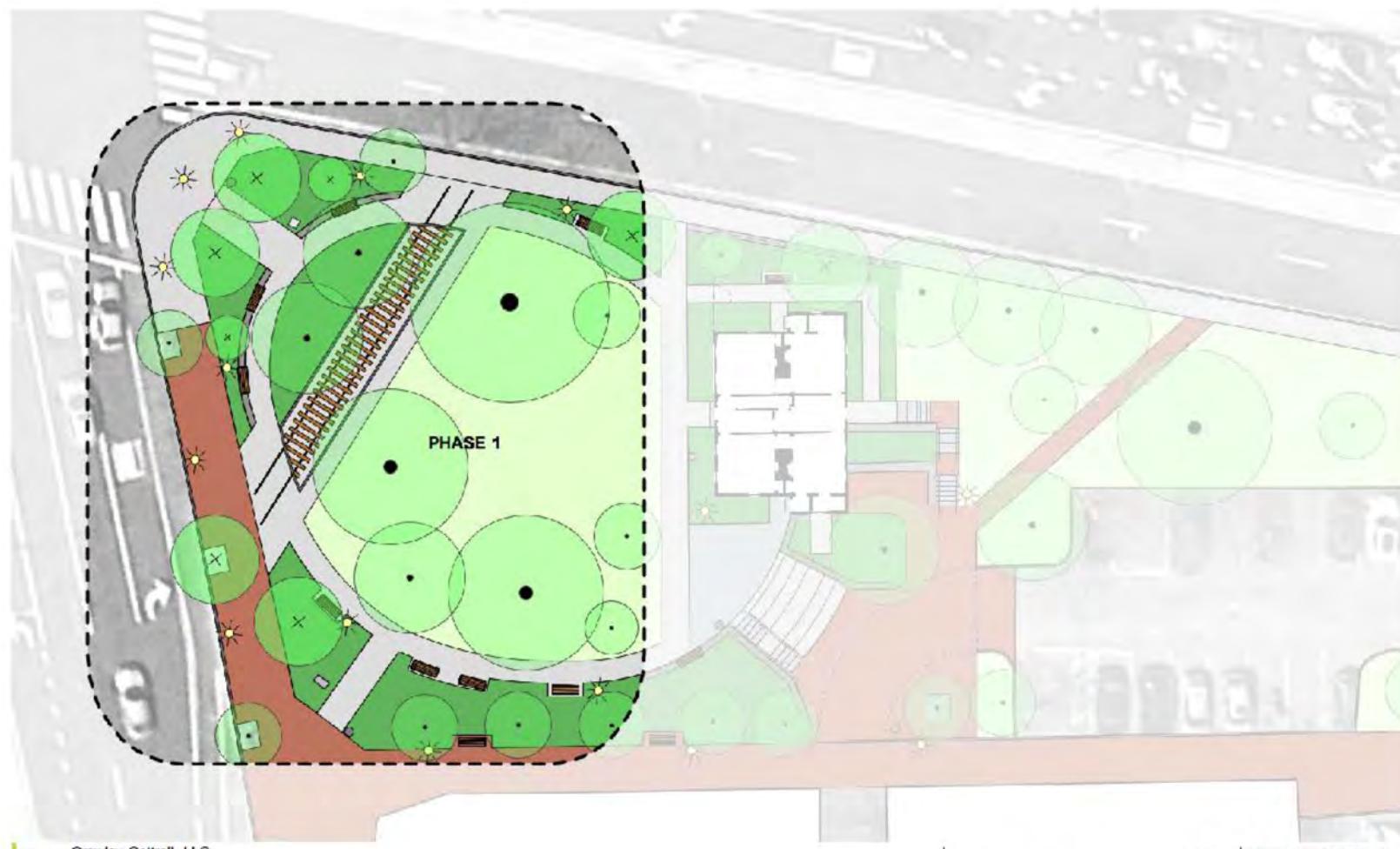


# Whittemore Park Revitalization: Phase 1



**Recommended funding: \$415,013 - 540,429\***

# Whittemore Park Revitalization: Phase 1



Crowley Cottrell, LLC  
281 Summer St, 8th Floor  
Boston, MA 02210  
617.336.8400 [crowleycottrell.com](http://crowleycottrell.com)

0 10 20' FT  
Scale: 1" = 20'-0"



WHITTEMORE PARK  
Proposed Plan-Phase 1

**Recommended funding: \$415,013 - 540,429\***

# Whittemore Park Revitalization: Phase 1



**Recommended funding: \$415,013 - 540,429\***

# Tercentenary Marker Restoration

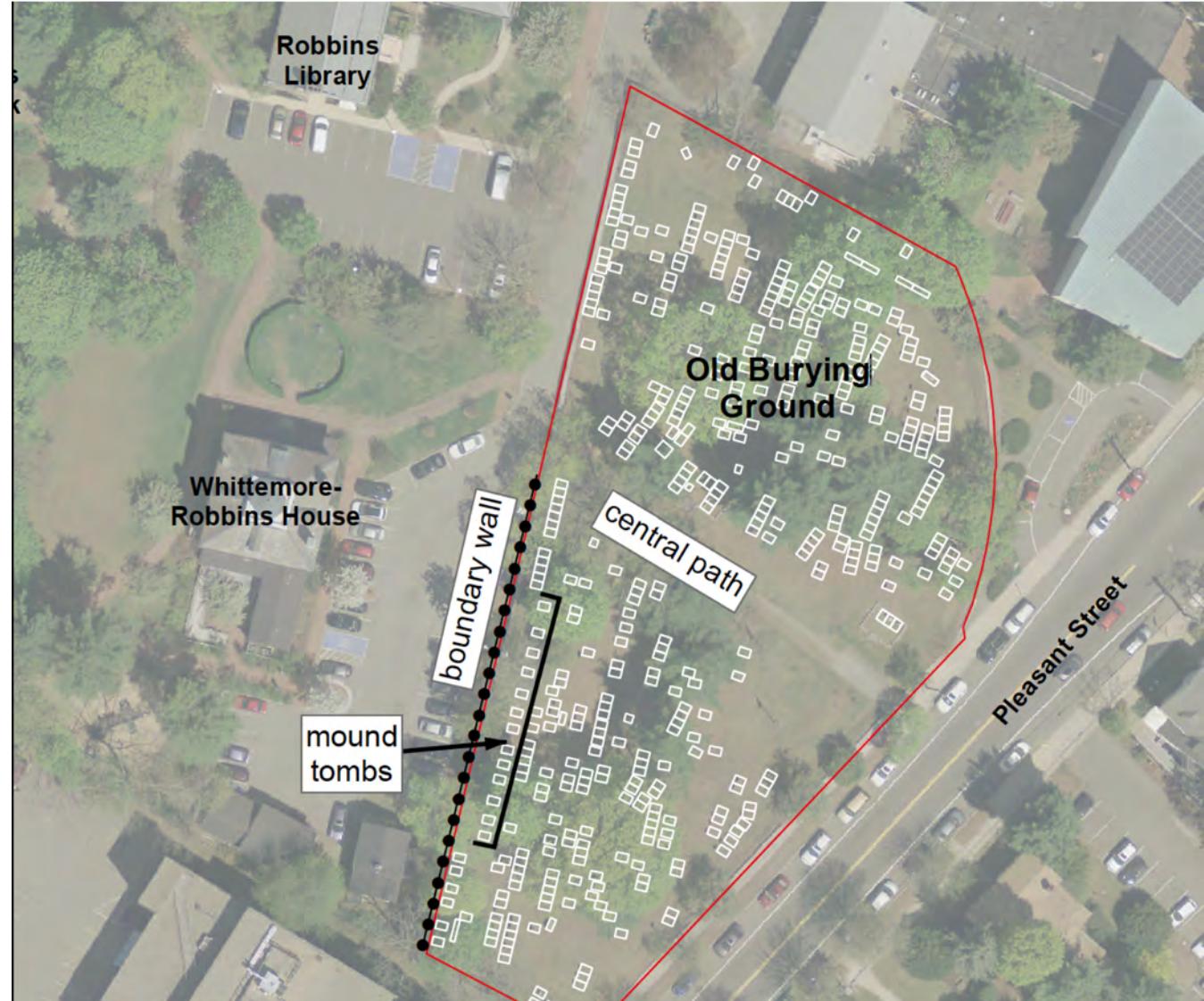


**Recommended funding: \$3,500**

# Old Burying Ground

## Phase 1 Restoration

**Recommended  
funding:**  
**\$379,114**



# Whittemore Robbins Cottage



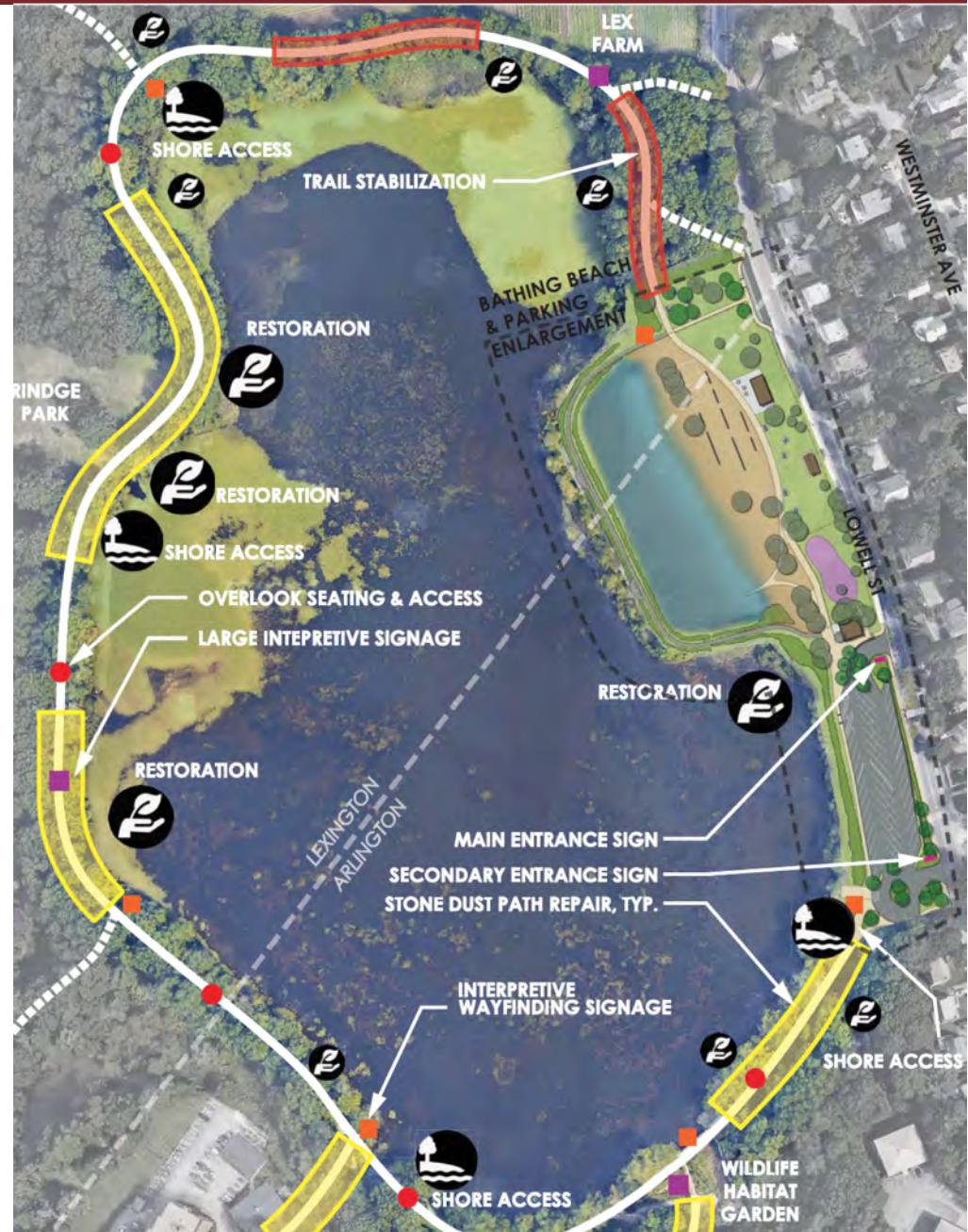
**Recommended funding: \$154,000**

# Arlington Reservoir Phase 2

**Trail, Perimeter, Bath  
House, Parking Lot,  
Fences**

Design & engineering  
documents; site  
preparation

**Recommended  
funding: \$500,000**



# North Union Playground



**Recommended funding: \$325,000\***

# Study of Spy Pond Field Bleachers

## Use, Need and Community Input



**Recommended funding: \$53,000**

# Winslow Towers Envelope Repair



**Recommended funding: \$500,000**

# FY20 CPA Budget

## CPAC FY20 Provisional Recommendations

Project/Expenditure	Applicant	Amount Requested	Notes
<b><i>Historic Preservation</i></b>			
1 Whittemore Park Revitalization - Phase 1	Planning and Community Development	\$ 415,013	Amt. will be increased (max. \$540,429) if CDBG contributes to North Union Playground
2 Tercentenary Marker Restoration	Town Manager's Office	\$ 3,500	
3 Old Burying Ground Restoration - Phase 1	Cemetery & Historical Commission	\$ 379,144	
4 Whittemore Robbins Cottage Exterior Rehabilitation	Health and Human Services	\$ 154,000	
<b><i>Open Space/Recreation</i></b>			
5 Arlington Reservoir - Phase 2	Recreation Department	\$ 500,000	
6 North Union Playground	Recreation Department	\$ 325,000	Will be reduced if CDBG partially funds this project (remainder to Whittemore Park)
7 Study of Spy Pond Field Bleachers	Department of Public Works	\$ 53,000	
<b><i>Community Housing</i></b>			
8 Winslow Towers Envelope Repair	Arlington Housing Authority	\$ 500,000	
	<b>Project Funding subtotal</b>	<b>\$ 2,329,657</b>	
<b><i>Non-project appropriations</i></b>			
9 CPAC administrative expenses		\$44,801	Salary offsets, dues, project signage, supplies (2.75% of annual CPA revenue)
10 Reserve appropriation		\$0	
	<b>Total Project and Admin Expenses</b>	<b>\$ 2,374,458</b>	
	<b>Estimated Funds available for appropriation</b>	<b>\$ 2,374,458</b>	
	<b>Surplus/(Deficit)</b>	<b>\$ -</b>	

## Estimated Funds available for appropriation

FY20 Local CPA Surcharge	\$ 1,458,403	
FY20 State Match	\$ 170,740	(12% state match projected)
Fund Balance	\$ 745,315	
<b>Total Estimated Funds available for appropriation</b>	<b>\$ 2,374,458</b>	



## Town of Arlington, Massachusetts

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**Minutes of Meetings: February 11, 2019**

**ATTACHMENTS:**

Type	File Name	Description
Reference Material	2.11.19_draft_minutes.docx	Draft Minutes 2.11.19

TOWN OF ARLINGTON  
SELECT BOARD

Meeting Minutes  
February 11, 2019  
7:15 PM

Present: Mr. Dunn, Chair, Mrs. Mahon, Vice Chair, Mr. Curro, Mr. Hurd, and Ms. Rowe  
Also Present: Mr. Chapdelaine, Mr. Heim, and Mrs. Krepelka

**PROCLAMATIONS**

1. Hurd Family Nine

The National Baseball Hall of Fame and Museum has noted the Hurd Family Nine as a unique part of baseball history, possibly the only family in the United States to field a long running baseball team at all nine positions.

Former Selectman Jack Hurd, a proud son and nephew of the Hurd Family Nine, accepted the Proclamation from Chairman Daniel Dunn. Former Selectman Hurd stated that the Cooperstown, New York Museum had accepted one of the three remaining Hurd Family Nine Jerseys into its archives to be included in the rotation on display at the Hall of Fame. Former Selectman Hurd thanked the Select Board for recognizing the Hurd Family Nine Baseball Team and its unique past in the Town of Arlington and baseball history.

**CONSENT AGENDA**

2. Minutes of Meetings: January 7, 2019 (tabled from 1/23/19 meeting); January 28, 2019  
Ms. Rowe moved approval. SO VOTED (5-0)

**APPOINTMENTS**

3. Community Development Block Grant (CDBG) Sub-Committee  
\*Sarah Lee  
Christopher Potter  
Antonette Sacco  
(terms to expire 1/31/2022)

Mr. Curro moved approval. SO VOTED (5-0)

\*Ms. Lee was unable to attend and is available to come before the Board on Monday, February 25th.

4. Board of Library Trustees  
Stephen Quinlan  
(term to expire 1/31/2022)

Mr. Hurd moved approval. SO VOTED (5-0)

**PUBLIC HEARINGS**

5. 7:15 p.m. CDBG - Performance Update for Program Year 2018-2019  
Julie Wayman, CDBG Administrator, Planning & Community Development  
Ms. Rowe moved receipt of said report.

SO VOTED (5-0)

6. 7:15 p.m. CDBG - Requests for FY2019-2020 Funding

Julie Wayman, CDBG Administrator, Planning & Community Development

Ms. Wayman presented the Community Development Block Grant Program Fund Requests for Fiscal Year 2020 and talked about a Fiscal 2019 mid-year report. Ms. Wayman stated she would be meeting with the Committee and will come back to the Select Board with said report.

The Board thanked Ms. Wayman for an excellent presentation.

Ms. Rowe moved receipt of said report.

SO VOTED (5-0)

**TRAFFIC RULES & ORDERS / OTHER BUSINESS**

7. For Approval: 'Arlington Porchfest Headquarters' on Jefferson Cutter House Lawn, June 8, 2019, 12:00 NOON - 6:00 p.m.

Linda Shoemaker, Executive Director, Arlington Center for the Arts

Mrs. Mahon moved approval subject to all conditions as set forth.

SO VOTED (5-0)

8. For Approval: Removal of Arlington Natural Gas Moratorium

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine stated that he spoke with the Director of Inspectional Services who feels confident with the protocols National Grid has in place with the return of the workers. Mr. Chapdelaine also agrees that Inspectional Services does not have the resources to maintain additional level of oversight on an ongoing basis. The protocols coming out of the lockout, with added pressure from DPU, has created a safer situation than before. Mr. Chapdelaine stated that after the National Grid workers are retrained and recertified the Town would feel comfortable issuing permits again.

Mr. Curro moved to lift the moratorium once the workers meet the conditions of being trained and certified to return to work.

SO VOTED (5-0)

9. Discussion & Vote: RFP for 2019 Beer Garden

Adam W. Chapdelaine, Town Manager

Mrs. Mahon moved to table until the Board meeting on February 25th.

SO VOTED (5-0)

10. For Approval: Establishment of Gift Account for Arlington Commission for Arts & Culture

Adam W. Chapdelaine, Town Manager

Mrs. Mahon moved approval.

SO VOTED (5-0)

**WARRANT ARTICLE HEARINGS**

11. Articles for Review:

Article 28 Bylaw Amendment/Recycling Committee

The Recycling Committee would like to amend the Town Bylaws to expand the Committee's membership from eight to ten, and to revise the purpose and mission of the Committee to encompass a wider array of solid waste reduction methods.

Mrs. Mahon moved favorable action.

SO VOTED (5-0)

#### Article 29 Bylaw Amendment/Regulation of Polystyrene Food Containers

Juli Brazile and James Ballin, members of the Arlington Recycling Committee stated the regulations would ban single use products, such as, cups typically used for coffee and hot liquids, as well as thinner Polystyrenes, such as the material used to create Solo cups. Ms. Brazile stated the goal of this Bylaw is to stay away from the use of the dangerous form of plastic. Enforcement of this ban would be similar to the plastic bag ban implemented in 2018. Said ban will fall under the discretion of the Board of Health. The Committee's goal would be to implement the ban by the start of 2020.

Mrs. Rowe moved favorable action.

SO VOTED (5-0)

#### Article 33 Bylaw Amendment/Notice of Demolition

Proponents of Article 33 were not present.

Mrs. Mahon moved to table to a future meeting.

SO VOTED (5-0)

#### Article 34 Bylaw Amendment/Regulation of Outdoor Lighting - Dark Skies Bylaw

Paul Schlichtman, the proponent of this article, explained this is an attempt to take the next step by adding specifics to the current bylaw that Town Meeting approved five years ago and by improving the enforcement provisions.

Mrs. Mahon moved favorable action.

SO VOTED (5-0)

#### Article 40 Vote/Robbins Library Parking Cost

Andrew Fischer, the proponent of this article, wants to eliminate the parking cost at the Robbins Library claiming it is a violation of the Bill of Rights of the American Library Association as it limits the use of library resources to only those who can afford to pay to park there. Mr. Fischer was advised to speak with the Library Board of Trustees before moving forward.

Ms. Rowe moved to table for discussions with Library Board of Trustees.

SO VOTED (4-1)

Mr. Dunn voted in the negative.

#### Article 44 Home Rule Legislation/CPA Surcharge Exemption for Senior Homeowners

Bob Radochia, the proponent of this article, wants the Town to provide tax relief for senior homeowners overwhelmed by property tax increases by allowing exemptions to the CPA surcharge.

Mrs. Mahon moved no action.

SO VOTED (5-0)

#### Article 50 Local Option/Short Term Rental Impact Fees

Mr. Heim, Town Counsel, spoke about this article stating the tax would apply to short-term rentals, such as Airbnb or vacation rentals. Mr. Heim explained there are two options- the Town can choose to adopt one or both, but the first option must be adopted in order to adopt the second.

Mr. Hurd moved favorable action.

SO VOTED (5-0)

#### Article 80 Resolution/Overnight Parking Exemption Program for Medical and Financial Hardships

Brooks Harrelson, Envision Arlington Diversity Task Group, stated that the Diversity Task Group supports the creation of this warrant article for a culturally sensitive approach to overnight parking exemptions in Arlington. This was approved unanimously at their last meeting.

Laura Kiesel, proponent of this article, shared information and data collected from various studies showing that car ownership is integral to job security and economic mobility in this country. Ms. Kiesel proposed eligibility criteria and other logistics to consider for parking exemptions.

Darcy Devney, Arlington Disability Commission, offered findings from her research, though she is not finished with the research. Ms. Devney hoped the Select Board would delay voting on this article until the Arlington Disability Commission has met and formally voted, which would be February 20 or February 27.

Chairman Dunn stated that he would like to see this move forward to be a topic of discussion for Town Meeting.

Ms. Rowe moved favorable action.

Town Counsel Heim stated that, if the Board allowed, he would prepare two items. Mr. Heim will draft a resolution and draft a proposal for an exemption program to modify existing overnight parking regulations that if all are satisfied, would not require Town Meeting action. Mr. Heim will present both items at a future meeting for the Select Board to review and choose how to proceed.

Ms. Rowe moved favorable action.

SO VOTED (5-0)

### **CORRESPONDENCE RECEIVED**

12. March for Meals Campaign with Meals on Wheels

Kelly Magee Wright, Executive Director, Minuteman Senior Services

Mrs. Mahon moved receipt of "Correspondence Received".

SO VOTED (5-0)

### **NEW BUSINESS**

Mr. Dunn attended last week's meeting of the Long Range Planning Committee where there was discussion about the choices of the Select Board. Mr. Dunn thought most of the members of the Long Range Planning Committee appreciated that the two votes will be on the ballot (referring to the override and debt exclusion). Mr. Dunn shared that he thinks there is an interesting discussion about the School Department's proposal for increasing their budgets beyond the constraints of the previous override plus the new enrollments. They are asking for a new set of rules. These factors have an impact on the Board's decision of how many years and how much money to put on the ballot. Mr. Dunn stated he would put this on a future meeting agenda for the Board to discuss and decide what it wants.

Mrs. Mahon moved to adjourn at 10:53 p.m.

SO VOTED (5-0)

Next Scheduled Meeting of Select Board February 25, 2019

A true record attest

Marie A. Krepelka  
Board Administrator

2/11/2019

Agenda Item	Description
1	Hurd Family Nine Proclamation
2	Minutes of Meetings: January 7, 2019 (tabled from 1/23/19); January 28, 2019
3	Appointments: CDBG Sub-Committee (terms to expire 1/31/2022) Sarah Lee Christopher Potter Antonette Sacco
4	Appointment: Board of Library Trustees (term to expire 1/31/2022) Stephen Quinlan
5	Public Hearing: CDBG – Performance Update for Program Year 2018-2019 Julie Wayman, CDBG Administrator, Planning & Community Development
6	Public Hearing: CDBG – Requests for FY2019-2020 Funding Julie Wayman, CDBG Administrator, Planning & Community Development
7	For Approval: ‘Arlington Porchfest Headquarters’ on Jefferson Cutter House Lawn, June 8, 2019, 12:00 NOON – 6:00 p.m. Linda Shoemaker, Executive Director, Arlington Center for the Arts
8	For Approval: Removal of Arlington Natural Gas Moratorium Adam W. Chapdelaine, Town Manager
9	Discussion & Vote: RFP for 2019 Beer Garden Adam W. Chapdelaine, Town Manager
10	For Approval: Establishment of Gift Account for Arlington Commission for Arts & Culture Adam W. Chapdelaine, Town Manager
11	Articles for Review: Article 28 Bylaw Amendment/Recycling Committee Article 29 Bylaw Amendment/Regulation of Polystyrene Food Containers Article 33 Bylaw Amendment/Notice of Demolition Article 34 Bylaw Amendment/Regulation of Outdoor Lighting - Dark Skies Bylaw Article 40 Vote/Robbins Library Parking Cost Article 44 Home Rule Legislation/CPA Surcharge Exemption for Senior Homeowners Article 50 Local Option/Short Term Rental Impact Fees Article 80 Resolution/Overnight Parking Exemption Program for Medical and Financial Hardships
12	March for Meals Campaign with Meals on Wheels Kelly Magee Wright, Executive Director, Minuteman Senior Services



## **Town of Arlington, Massachusetts**

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### **Patriots' Day Committee Events, April 14, 2019**

#### **Summary:**

- a) 55th Annual Patriots' Day Fun Run at 8:45 a.m. along Massachusetts Avenue;
- b) Menotomy Reenactment at 12/Noon at the Jason Russell House;
- c) Patriots' Day Parade at 2:00 p.m.

Christine Bongiorno, Patriots' Day Parade Committee Chair  
Director of Health and Human Services

#### **ATTACHMENTS:**

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Patriots__Day_Parade_Request.docx	Reference

**Arlington  
Patriots' Day  
Parade  
Committee**

Bob Bowes  
Christine Bongiorno  
Captain James Curran  
Jeff Chunglo  
Kathleen Darcy  
James Feeney  
Kevin Flood  
Carol Greeley  
Joe Marshall  
Jeff Munro  
Laura Munsey  
Pat Quinn  
Rich Raymond

**April 14, 2019**  
**Schedule of Events:**  
**8:45 am** Arlington Boys & Girls Club Road Race  
**12noon** Menotomy Battle Reenactment  
**2pm** Patriots Day Parade kicks off



**Arlington Patriots'  
Day Parade  
Committee**

730 Massachusetts Ave  
Arlington, MA 02476  
[www.arlingtonma.gov/parade](http://www.arlingtonma.gov/parade)

February 11, 2019

Select Board  
Arlington Town Hall  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: 2019 Patriots' Day Committee Event Requests**

Dear Board Members:

The Arlington Patriots' Day Parade has been set for Sunday, April 14, 2019. On behalf of the Patriots' Day Parade Committee, I am requesting permits for the following events:

**55th Annual Patriots' Day Fun Run:**

The Arlington Boys and Girls Club respectfully request a permit to hold its 55th Annual Patriots' Day Fun Run on Sunday, April 14, 2019 at 8:45 am. The Fun Run is a 2.7 mile run along Massachusetts Avenue from the Lexington line. We will be arranging Police presence to start for up to 200 runners, as well as traffic control (Bikes/Motorcycles) at Park Ave, Jason Street, and Pleasant Street. The race typically lasts for 1 hour and will conclude at the Arlington Boys and Girls Club, 60 Pond Lane.

**Menotomy Reenactment:**

In 2019, we will be including the Arlington Patriots' Day Menotomy Battle Reenactment as part of its festivities. This event is scheduled for Sunday, April 14, 2019 beginning at 12:00 noon at the Jason Russell House. Police will be arranged to control traffic as the individuals reenacting the battle cross at the intersection of Mill Street and Massachusetts Avenue as they proceed from Arlington High School to the Jason Russell House. Police presence will also ensure a safe environment for the spectators as well.

**Patriots' Day Parade**

The Patriots' Day Parade Committee respectfully requests a permit to allow a parade to form and march on Massachusetts Avenue and adjoining streets on Sunday, April 14, 2019. Sufficient Police presence will be arranged to control and divert all non-parade

February 11, 2019

-2-

Select Board  
Arlington Town Hall

vehicular traffic to alternate routes 12:00 pm to 5:00 pm traveling on Massachusetts Avenue from Forest Street east to Foster Street/Linwood Street, passing in review at the Town Hall. Adjoining streets where units will form are Brattle Street, Quinn Road, and Hobbs Court.

The Parade will step off at 2:00 pm promptly (rain or shine) and will end before 5:00 pm. If a permit is granted, it is requested that the Board alert, through the media, MBTA commuting citizens that the buses normally operating along Massachusetts Avenue will be using alternate routes along the parade route from 12:00 pm to 5:00 pm.

A final request is that an agenda item be added to a Select Board meeting prior to the April 14th Parade to publicly thank our Diamond and Platinum Sponsors. The Parade Committee will have recognition plaques to present to these sponsors who have made the 2019 Patriots' Day Parade possible.

We are so happy to continue this historic Parade as well as coordinate these wonderful community events in celebration of Patriots' Day. We are expecting a community-wide celebration of which we all can be proud.

Thank you for your attention and consideration of this matter, and do not hesitate to contact me if you have any questions.

Respectfully submitted,



Christine Bongiorno, Committee Chair  
Director of Health and Human Services



## Town of Arlington, Massachusetts

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### For Approval: Change of Manager - All Alcohol License

#### Summary:

Jose Maltez, 468 Mystic Street, Winchester Country Club

#### ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	WCC_Change_of_Manager_Application.pdf	Change of Manager Application



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*239 Causeway Street Boston, MA 02114*  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM**

**AMENDMENT-Change of Manager**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL  
LICENSING AUTHORITY.**

**ECRT CODE: RETA**

Please make \$200.00 payment here: <https://www.mass.gov/epay-for-online-payments-abcc>

**PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL  
EPAY CONFIRMATION NUMBER**

**A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)** 0007-CL-0030, 00051-CL-0030

**ENTITY/ LICENSEE NAME** Winchester Country Club

**ADDRESS** 468 Mystic Street

**CITY/TOWN** Winchester

**STATE** MA

**ZIP CODE** 01890

**For the following transactions (Check all that apply):**

<input type="checkbox"/> New License	<input type="checkbox"/> Change of Location	<input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)	<input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC)
<input type="checkbox"/> Transfer of License	<input type="checkbox"/> Alteration of Licensed Premises	<input type="checkbox"/> Change of License Type (i.e. club / restaurant)	<input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)
<input checked="" type="checkbox"/> Change of Manager	<input type="checkbox"/> Change Corporate Name	<input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt)	<input type="checkbox"/> Management/Operating Agreement
<input type="checkbox"/> Change of Officers/ Directors/LLC Managers	<input type="checkbox"/> Change of Ownership Interest (LLC Members/ LLP Partners, Trustees)	<input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder	<input type="checkbox"/> Change of Hours
		<input type="checkbox"/> Other <span style="border: 1px solid black; padding: 2px;"> </span>	<input type="checkbox"/> Change of DBA

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS  
TRANSMITTAL FORM ALONG WITH  
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION  
239 CAUSEWAY STREET  
BOSTON, MA 02241-3396**



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*239 Causeway Street, Boston, MA 02114*  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**AMENDMENT-Change of Manager**

**Change of License Manager**

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Winchester Country Club	Arlington	0007-CL-0030, 00051-CL-0030

**2. APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Paul Lazar	General Manager/COO	plazar@winchestercc.org	

**3A. MANAGER INFORMATION**

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	Jose Maltez	Date of Birth		SSN	
-----------------------	-------------	---------------	--	-----	--

Residential Address	
---------------------	--

Email	jmaltez@winchestercc.org	Phone	
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Please indicate how many hours per week you intend to be on the licensed premises	40-50	Last-Approved License Manager	Charles Grandon
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**3B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?\*  Yes  No \*Manager must be U.S. citizen  
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

**3C. EMPLOYMENT INFORMATION**

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
09/16/2000	current	Food & Beverage Manager	Winchester Country Club	Paul Lazar
		see attached		

**3D. PRIOR DISCIPLINARY ACTION**

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary, utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature

Date

01/07/2019

## APPLICANT'S STATEMENT

I, Paul F. Kelly the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

of Winchester Country Club

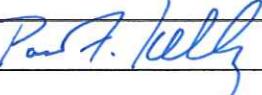
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date: 02/07/2019

Title:

Winchester Country Club Secretary

## CORPORATE VOTE

The Board of Directors or LLC Managers of

Winchester Country Club

Entity Name

duly voted to apply to the Licensing Authority of

Arlington

and the

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

January 29, 2019

Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

"VOTED: To authorize

Paul F. Kelly

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Jose Maltez

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature



## Town of Arlington, Massachusetts

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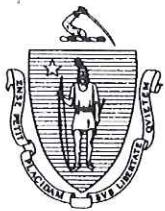
### For Approval: Change of Stock Interest - All Alcohol License

#### Summary:

Shu Ying Zeng, 303A Broadway, Fusion Taste

#### ATTACHMENTS:

Type	File Name	Description
□ Reference Material	Fusion_Taste_Change_of_Stock_Interest_Application.pdf	Change of Stock Interest Application



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*239 Causeway Street, Boston, MA 02114*  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest**

**Change of Officers/ Directors/LLC Managers**  **Change of Stock Interest**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- CORI Authorization
- Vote of the Entity
- Payment Receipt
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

(e.g. New Stockholders or Transfer or Issuance of Stock)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- CORI Authorization
- Financial Statement
- Vote of the Entity
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement (New Stockholder Only)\*
- Payment Receipt
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

**Change of Ownership Interest**

(e.g. LLC Members, LLP Partners, Trustees etc.)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- CORI Authorization
- Financial Statement
- Vote of the Entity
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement (New Stockholder Only)\*
- Payment Receipt
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

**Non-Profit Club Change of Officers/ Directors**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the club signed by an approved officer
- Payment Receipt
- Business Structure Documents -**Articles of Organization** from the Secretary of the Commonwealth

**Management Agreement**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Management Agreement
- Vote of Entity
- Payment Receipt

\*If abutter notification and advertisement is required for transaction, please see the local licensing authority.

**1. BUSINESS ENTITY INFORMATION**

Entity Name

Municipality

ABCC License Number

Y Plus Y, Inc.

Arlington

00030-RS-0030

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

The two departing shareholder sold their respective shares to the remaining shareholder. The remaining shareholder is now 100% holder of all issued and outstanding shares of the corporation's stock.

**APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

Wei Jia, Esq.

Lawyer

jiawei2001@msn.com

6175421548

## APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

### **2. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises(Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Shu Ying Zeng			
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
President/Treasurer/Secretary/Manager	100%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Additional pages attached?

Yes  No

#### **CRIMINAL HISTORY**

Has any individual listed in question 2, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

#### **MANAGEMENT AGREEMENT**

Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement.

Yes  No

## APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

### **3. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST**

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Jason Zhen Ye	President/Director	65%
Name of Principal	Title/Position	Percentage of Ownership
kang Zhu Chen	Treasurer/Director	15%
Name of Principal	Title/Position	Percentage of Ownership
Shu Ying Zeng	Secretary/Director	20%
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

### **4. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 2, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Three Treasures Concept, Inc.	Sec. 12 Restaurant	Wine and Malt Beverages	Brookline

### **5. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified identified in question 2, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### **6. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question 4 or 5 ever been suspended, revoked or cancelled?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

## 7. FINANCIAL DISCLOSURE

Associated Cost(s):

\$280,000

### SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Shu Ying Zeng	\$45,000
Total:	\$45,000

### SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
Jason Zhen Ye	\$192,500	Seller financing	<input type="radio"/> Yes <input checked="" type="radio"/> No
Kang Zhu Chen	\$42,500	Seller financing	<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

### FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

The buyer pays a total of \$45,000 in cash to both sellers. The balance of the purchase price in the amount of \$235,000 is evidenced by two promissory notes in favor of the two sellers in the form of seller financing.

## APPLICANT'S STATEMENT

I, Shu Ying Zeng the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

of Y Plus Y, Inc.  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
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- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Shu Ying Zeng

Date: 1-30-19

Title: President



## Town of Arlington, Massachusetts

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**Request: Special (One Day) Beer & Wine License, 3/9/19 at Robbins Memorial Town Hall for a Private Event**

**Summary:**

Stacey and David Mann

**ATTACHMENTS:**

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Mann_Bat_Mitzvah_Special_Application.pdf	Special Beer & Wine Application

# OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

## SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant:

Stacey and David Mann

Address, phone & e-mail contact information:

19 Carriage Drive, Lexington, Ma. 02420, 617-699-4853 mannstaceyL@gmail.com

Name & address of Organization for which license is sought:

Beaujolais Catering, 207 Broadway, Arlington, Ma. 02474

Does this Organization hold nonprofit status under the IRS Code?  Yes  No

Name of Responsible Manager of Organization (if different from above):

Michelle Noska

Address, phone & e-mail contact information:

617-519-6081 michelle@beaujolaiscatering.com

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year?  yes  If so, please give date(s) of Special Licenses and/or applications and title of event(s).

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?

one time event

24-Hour contact number for Responsible Manager of Alcohol Event date:

617-519-6081

Title of Event:

Bat Mitzvah

Date/time of Event:

Saturday, March 9, 2019 6:00 pm - 10:00 pm

Location of Event:

Arlington Town Hall

Location/Event Coordinator:

Patsy Kraemer/Vicki Rose

Method(s) of invitation/publicity for Event:

invitation

Number of people expected to attend:

140

Expected admission/ticket prices:

N/A

Expected prices for food and beverages (alcoholic and non-alcoholic):

N/A

Will persons under age 21 be on premises?

yes

If "yes," please detail plan to prevent access of minors to alcoholic beverages.

Bartender will check ID's

Have you consulted with the Department of Police Services about your security plan for the Event?

YES

**OFFICE USE ONLY**

*For Police Chief, Operations Commander, or designee:*

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

Off. Corey P. Roseau Date 3-21-19  
Off. Corey P. Roseau  
Printed name/title

**POLICE COMMENTS:**

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What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

beer/wine

What types of food and non-alcoholic beverages do you plan to serve at the Event?

full dinner/appetizers/dessert, sodas/waters

Who will be responsible for serving alcoholic beverages at the Event?

Beaujolais Catering bartenders

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

TIPS Certification

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

ATTACHED

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: [www.mass.gov/abcc](http://www.mass.gov/abcc))

Kappy's on line

Date of Delivery:

Saturday, March 9, 2019

Alcohol Serving Time (s):

6:00 pm - 10:00 pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

Kappy's will pick up

Date of Pick-Up:

Mon. March 11, 2019

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.)

ATTACHED

**Please submit this completed form and filing fee to the Board of Selectmen  
at least 21 days before your Event. Failure to provide complete  
information may delay the processing of your application.**

**I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:**

Signature: \_\_\_\_\_

Printed name: Stacey Mann

Printed title & Organization name: \_\_\_\_\_

Email: mannstaceyL@gmail.com



**ROBBINS MEMORIAL TOWN HALL AUDITORIUM**  
**730 Massachusetts Avenue, Arlington, Ma. 02476**

15 February 2019

**SECURITY PLAN FOR MANN BAT MITZVAH PARTY**

A Bat Mitzvah party will be held on Saturday, March 9, 2019, in the auditorium at Arlington Town Hall. The event is scheduled for 6:00pm to 10:30 pm.

A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 140 people to attend.

Patsy Kraemer will be the event coordinator for the event. Food service and bar service will be provided by Beaujolais Catering. Greg Stathopoulos will be the custodian for the event. The Mann family will be responsible to ensure that the event runs smoothly.

A police detail will be hired for the event (if required) and a fire services detail will be hired for the event. These officers will be available to help with any emergency situations that may arise.

Parking for the event will be available in the Town Hall parking lot, the parking lot at the Central School office building directly behind Town Hall, and on the side streets, as well as Mass. Ave.

Please advise if there are other items that we need to consider.

Official TIPS certification card. Carry it with you as proof of your TIPS certification.

that you have successfully completed the Intervention ProcedureS) program. We value and dedication to the responsible sale, imption of alcohol.

Techniques you have learned, you will help to ater environment for your patrons, peers, and reduce the tragedies resulting from intoxication, king, and drunk driving.

any information you think would PS program, or if we can assist you ise contact us at 800-438-8477.

Sincerely,



Adam F. Chafetz  
HCI President

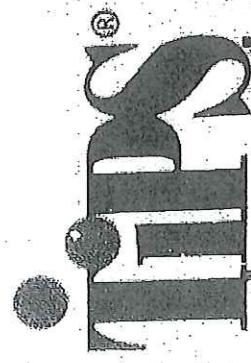
ID#: 4856356 Name: Aldo G De Oliveira  
Exam Date: 7/19/2018 Expiration Date: 7/19/2021

 CERTIFIED  
TIPS eTIPS On Premise 3.0

Issued: 7/19/2018  
ID#: 4856356  
Expires: 7/19/2021

Aldo G De Oliveira  
Rebecca's cafe  
364 Reservoir Ave  
Revere, MA 02151-5808

For service visit us online at [www.gettips.com](http://www.gettips.com)



**Gettips On Premise 3.0  
CERTIFIED**

**Issued: 5/29/2018**

**ID#: 4813268**

**Expires: 5/29/2021**

**Kevin Malloy  
193 Crescent Ave Unit 2  
Revere, MA 02151-4218**

**For service visit us online at [www.gettips.com](http://www.gettips.com)**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
2/19/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: Commercial Lines	
Prescott and Son Insurance Agency, Inc. 963 Eastern Avenue		PHONE (A/C, No, Ext): (781) 322-2350	FAX (A/C, No):
Malden MA 02148		E-MAIL ADDRESS:	
INSURED		INSURER(S) AFFORDING COVERAGE	
Michelle C Noska 207a Broadway		INSURER A: Hartford Insurance Group	
Arlington MA 02474		INSURER B: Safety Insurance Co 39454	
		INSURER C: Twin City Fire Ins Co 29459	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES		CERTIFICATE NUMBER: CL1921928590		REVISION NUMBER:				
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.								
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WWD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY  CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER:  <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC  OTHER:			08SBAAA8353	4/9/2018	4/9/2019	EACH OCCURRENCE	\$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence)						\$ 1,000,000	
B	AUTOMOBILE LIABILITY  ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS  <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			6227097	1/21/2019	1/21/2020	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	BODILY INJURY (Per person)						\$	
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/>  DED <input type="checkbox"/> RETENTION \$						BODILY INJURY (Per accident)	\$
	PROPERTY DAMAGE (Per accident)						\$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY  ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				Medical payments	\$ 5,000
	E.L. EACH ACCIDENT						\$	
C	LIQUOR LIABILITY			08SBAAA8353	4/9/2019	4/9/2020	E.L. DISEASE - EA EMPLOYEE	\$
	E.L. DISEASE - POLICY LIMIT						\$	
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)						EACH OCCURENCE	\$1,000,000	
Town of Arlington as additional Insured						AGGREGATE	\$1,000,000	

CERTIFICATE HOLDER		CANCELLATION	
Town of Arlington 730 Mass Ave Arlington, MA 02474		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.	
		AUTHORIZED REPRESENTATIVE	

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## Town of Arlington, Massachusetts

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**Request: Special (One Day) Beer & Wine License, 3/16/19 @ Robbins Memorial Town Hall for a Private Event**

**Summary:**

Jonathan Carr

**ATTACHMENTS:**

Type	File Name	Description
<input type="checkbox"/> Reference Material	Carr_Bat_Mitzvah_Special_Application.pdf	Special Beer & Wine Application

# OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

## SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant:

Jonathan Carr

Address, phone & e-mail contact information:

37 Teel Street, Arlington, Ma. 781-839-9282 dfjrcarr@gmail.com

Name & address of Organization for which license is sought:

Something Savory Caterers, 1337 Mass. Ave., Arlington

Does this Organization hold nonprofit status under the IRS Code?  Yes  No

Name of Responsible Manager of Organization (if different from above):

Jodi Auerbach

Address, phone & e-mail contact information:

1337 Mass. Ave., Arlington, Ma. 617-549-2599

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? yes If so, please give date(s) of Special Licenses and/or applications and title of event(s).

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?

one time event

24-Hour contact number for Responsible Manager of Alcohol Event date:

617-549-2599

Title of Event:

Bat Mitzvah

Date/time of Event:

Saturday, March 16, 2019, 7:00 pm - 10:30 pm

Location of Event:

Arlington Town Hall

Location/Event Coordinator:

Patsy Kraemer/Vicki Rose

Method(s) of invitation/publicity for Event:

invitation

Number of people expected to attend:

175-180

Expected admission/ticket prices:

N/A

Expected prices for food and beverages (alcoholic and non-alcoholic):

N/A

Will persons under age 21 be on premises?

yes

If "yes," please detail plan to prevent access of minors to alcoholic beverages.

Bartender will check ID's

Have you consulted with the Department of Police Services about your security plan for the Event?

YES

**OFFICE USE ONLY**

*For Police Chief, Operations Commander, or designee:*

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

Orc. Corey P. Rotureau Date 3-21-19  
Orc. Corey P. Rotureau  
Printed name/title

**POLICE COMMENTS:**

Detail request requirement waived since majority of attendants are non-drinking minor children

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

beer/wine

What types of food and non-alcoholic beverages do you plan to serve at the Event?

full dinner/appetizers/dessert, sodas/waters

Who will be responsible for serving alcoholic beverages at the Event?

Something Savory Caterers bartending staff

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

TIPS Certification

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

ATTACHED

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: [www.mass.gov/abcc](http://www.mass.gov/abcc))

Adonna Imports, Waltham, Ma.

Date of Delivery:

Sat. 3/16/2019

Alcohol Serving Time (s):

7:00 pm - 10:30 pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

Adonna will pick up

Date of Pick-Up:

Mon. 3/18/2019

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.)

ATTACHED

**Please submit this completed form and filing fee to the Board of Selectmen  
at least 21 days before your Event. Failure to provide complete  
information may delay the processing of your application.**

**I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:**

Signature: \_\_\_\_\_

Printed name Jonathan Carr

Printed title & Organization name: \_\_\_\_\_

Email: dfjrcarr@gmail.com



**ROBBINS MEMORIAL TOWN HALL AUDITORIUM**  
**730 Massachusetts Avenue, Arlington, Ma. 02476**

15 February2019

**SECURITY PLAN FOR CARR BAT MITZVAH PARTY**

A Bat Mitzvah party will be held on Saturday, March 16, 2019, in the auditorium at Arlington Town Hall. The event is scheduled for 7:00pm to 10:30 pm.

A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 175 people to attend.

Patsy Kraemer will be the event coordinator for the event. Food service and bar service will be provided by Something Savory Catering. Greg Stathopoulos will be the custodian for the event. The Carr family will be responsible to ensure that the event runs smoothly.

A police detail will be hired for the event (if required) and a fire services detail will be hired for the event. These officers will be available to help with any emergency situations that may arise.

Parking for the event will be available in the Town Hall parking lot, the parking lot at the Central School office building directly behind Town Hall, and on the side streets, as well as Mass. Ave.

Please advise if there are other items that we need to consider.



etTIPS On Premise 2.0 SSN:

Issued: 3/3/2016

Expires: 3/3/2019

ID#: 4196694

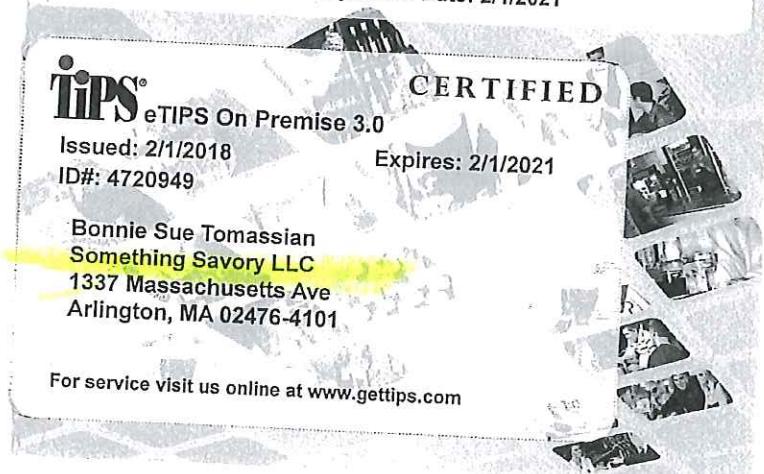
D.O.B.: XX/XX/XXXX

Martin S Norman  
Something Savory LLC  
1337 Massachusetts Ave  
Arlington, MA 02476-4101

For service visit us online at [www.gettips.com](http://www.gettips.com)

Take it with you as proof of your TIPS certification.

ID#: 4720949 Name: Bonnie Sue Tomassian  
Exam Date: 2/1/2018 Expiration Date: 2/1/2021





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
01/03/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## PRODUCER

T. Edmund Garrity & Co., Inc.  
545 Concord Avenue, Suite 16

Cambridge MA 02138

CONTACT NAME:	Ashlee Espinosa	
PHONE (A/C No. Ext):	(617) 354-4640	FAX (A/C, No): (617) 354-5828
E-MAIL ADDRESS:	ashlee@garrity-insurance.com	
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	Travelers Indemnity Co CT	
INSURER B:	AIM MUTUAL INS CO	
INSURER C:	Hospitality Mutual	
INSURER D:		
INSURER E:		
INSURER F:		

## COVERS

CERTIFICATE NUMBER: Master COI 2018

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSD	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
A							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							OTHER: \$
	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY	<input checked="" type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$
							\$
	<input checked="" type="checkbox"/> UMBRELLA LIAB		<input checked="" type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	<input checked="" type="checkbox"/> EXCESS LIAB		<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	<input type="checkbox"/> DED	<input type="checkbox"/> RETENTION \$					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/> Y/N	N/A	AWC40070360032019A	01/10/2019	01/10/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input checked="" type="checkbox"/> N					E.L. EACH ACCIDENT \$ 100,000
							E.L. DISEASE - EA EMPLOYEE \$ 100,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Liquor Liability			00061130LL	12/16/2018	12/16/2019	Per Occurance \$ 1,000,000
							Aggregate \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Town of Arlington is listed as additional insured for general liability and liquor liability.

## CERTIFICATE HOLDER

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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## Town of Arlington, Massachusetts

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**Request: Special (One Day) Beer & Wine License, 3/23/19 @ Lesley Ellis School, 34 Winter Street for a Spring Fundraiser**

**Summary:**

Allison Raynor, Advancement Coordinator, Lesley Ellis School

**ATTACHMENTS:**

Type	File Name	Description
❑ Reference Material	Lesley_Ellis_Spring_Fundraiser_Special_Application.pdf	Special Beer & Wine Application

OFFICE OF THE SELECT BOARD



TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant: Allison Raynor

Address, phone & e-mail contact information: Lesley Ellis School, 34 Winter St.  
Arlington, MA 02476 508 474 1662 araynor@lesleyellis.org

Name & address of Organization for which license is sought: Lesley Ellis School/  
Schools for Children Inc

Does this Organization hold nonprofit status under the IRS Code?  Yes  No

Name of Responsible Manager of Organization (if different from above):  
Paul Stein

Address, phone & e-mail contact information: 8 Winchester Pl. Winchester MA 01890  
781-641-2424

Has the Applicant or Organization applied for and/or been granted a special liquor license this  
calendar year? No If so, please give date(s) of Special Licenses and/or applications and title  
of event(s).

Is this event an annual or regular event? If so, when was the last time this event was held and at what  
location? Annual / March 24 2018

24-Hour contact number for Responsible Manager of Alcohol Event date: 508 474 1662

Title of Event: Lesley Ellis School Spring Fundraiser

Date/time of Event: Saturday March 24th 7pm-11pm

Location of Event: LES, 34 Winter Street Arlington (gym)

Location/Event Coordinator: Allison Raynor

Method(s) of invitation/publicity for Event: private event for Parents + Staff

Number of people expected to attend: 175

Expected admission/ticket prices: \$25.00

Expected prices for food and beverages (alcoholic and non-alcoholic): \$5 alcohol  
Free water and soft drinks

Will persons under age 21 be on premises? no

If "yes," please detail plan to prevent access of minors to alcoholic beverages. \_\_\_\_\_

Have you consulted with the Department of Police Services about your security plan for the Event?

in process

**OFFICE USE ONLY**

*For Police Chief, Operations Commander, or designee:*

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

Officer Corey P. Roteau Date 2-21-19  
Officer Corey P. Roteau  
Printed name/title

**POLICE COMMENTS:**

Request one police detail.

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

Brew and wine

What types of food and non-alcoholic beverages do you plan to serve at the Event? taquos, burgers,  
nonal food, soda, water, seltzer

Who will be responsible for serving alcoholic beverages at the Event?

Corey Mutt O'Brien

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

attached

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

Matt Ollius

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: [www.mass.gov/abcc](http://www.mass.gov/abcc)) Atlanta Importing

Date of Delivery: 3/23/14

Alcohol Serving Time (s): 7pm - 11pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

Atlanta Importing will bring back the night off

Date of Pick-Up: 3/23/14

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.) Attached

**Please submit this completed form and filing fee to the Select Board  
at least 21 days before your Event. Failure to provide complete  
information may delay the processing of your application.**

**I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:**

Signature: 

Printed name: Allison Raynor

Printed title & Organization name: Advertisement Coordinator, Lesley Ellis School

Email: Araynor@LesleyEllis.org



## **Security plan for Special Alcohol License Application**

Lesley Ellis School holds this spring fundraising event annually. Our community discourages overindulgence while encouraging an environment where people watch out for one another. Here are the points of our plan for the evening:

- Jeanette Keller and Allie Raynor keep a general eye on the crowd, and will be the go-to people if concern arises. As administrators, both know everyone in attendance at the event.
- Double doors to the school building at 34 Winter Street remain unlocked/accessible through the entire event.
- Staff working at the event are informed of the exits, while exit signage is clearly marked/visible.
- The parking lot adjacent to the school provides the majority of the parking. On street parking in designated areas will also be used.
- The bar will close one-half hour (at 10:30 p.m.) before the event ends (at 11:00 p.m.).

This event is mostly an internal LES community event (approx. 95%) including parents, staff and grandparents. The event is 21+.

The following administrators are present and working at the event:

- Deanne Benson, Head of School
- Jeanette Keller, Director of Auxiliary programs
- Allison Raynor, Advancement Coordinator
- Paul Stein, Exec. Director, Schools for Children, Inc.





# CERTIFICATE OF LIABILITY INSURANCE

SCHOOL-1

OP ID: AC

 DATE (MM/DD/YYYY)  
 02/08/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERNS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER S. B. Goddard & Son Co. 7 Winn Street Woburn, MA 01801-2828 Richard Mahoney	781-933-0076	CONTACT NAME: Richard Mahoney PHONE: 781-933-0076 (A/C, No.) E-MAIL ADDRESS:	FAX (A/C, No.):
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: Philadelphia Insurance Co.	
		INSURER B: Pilgrim Ins Company	
		INSURER C: Wesco Insurance Co.	
		INSURER D:	
		INSURER E:	
		INSURER F:	

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		PHPK1678933	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 OTHER: \$
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY		CSC00001003123	07/01/2018	07/01/2019	COMBINED SINGLE LIMIT (EA ACCIDENT) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER: \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10000		PHUB591694	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 OTHER: \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N N/A	WWC3360603	07/01/2018	07/01/2019	X PER STATUTE E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Sexual/Physical Abuse/Molestation		PHPK1678933	07/01/2018	07/01/2019	Aggregate \$ 2,000,000 Ea Occ \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Town of Arlington is included as additional insured with respects to the  
Lesley Ellis Fundraiser being held at 34 Winter Street, Arlington, MA -  
3/25/2019.

## CERTIFICATE HOLDER

## CANCELLATION

ARLING4

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Richard J. Mahoney*



## Town of Arlington, Massachusetts

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### Community Development Block Grant (CDBG) Sub-Committee

#### **Summary:**

Sarah Lee (term to expire 1/31/2022)  
(tabled from 2/11/19 meeting)

#### **ATTACHMENTS:**

Type	File Name	Description
Reference Material	S._Lee_reference.pdf	Town Manager recommendation, Lee resume, Meeting notice



**Town of Arlington  
Office of the Town Manager**

Adam W. Chapdelaine  
Town Manager

730 Massachusetts Avenue  
Arlington MA 02476-4908  
Phone (781) 316-3010  
Fax (781) 316-3019  
E-mail: [achapdelaine@town.arlington.ma.us](mailto:achapdelaine@town.arlington.ma.us)

**MEMORANDUM**

DATE: February 6, 2019  
TO: Board Members  
SUBJECT: Appointment to the CDBG SubCommittee

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This memo is to request the Board's approval of my appointment of Sarah Lee, Arlington, MA, to the CDBG Subcommittee, with a term expiration of 1/31/2022.



A handwritten signature in black ink, appearing to read "Adam W. Chapdelaine". Below the signature, the title "Town Manager" is printed in a smaller, sans-serif font.

## SARAH L. LEE

Slover Linett Audience Research, Chicago, IL and Arlington, MA

2005 – present

*Promoted to President (former positions include: Vice President; Senior Associate; and Research Associate)*

Member of four-person leadership team responsible for firm-wide strategic planning efforts, financial oversight, professional development and mentorship of staff, and all day-to-day aspects of firm management. Direct design and implementation of evaluation, market research, and other strategic engagements with nonprofit and philanthropic clients. Develop written research reports, evaluation frameworks, and strategic recommendations and deliver highly engaging presentations to executives, trustees, and other stakeholders.

- Lead business development efforts to grow revenue and expand market share. Contributed to revenue growth of approximately 150% between 2009 and 2018.
- Design and oversee implementation of ongoing 8-year, \$1.7-million process evaluation of a major Irvine Foundation initiative and led grantees through grant planning processes. Contribute to cohort learning curriculum and developed new model for understanding equity, diversity, and inclusion-focused organizational change in arts nonprofits.
- Designed and implemented a qualitative and quantitative assessment of the MacArthur Foundation's "MacArthur Award for Creative and Effective Institutions" and facilitated internal foundation reflection on strategic program design changes. Resulted in public report describing how institutional support can be leveraged to enhance nonprofit effectiveness.
- Designed and facilitated a collaborative process to help Chicago-area nonprofits develop new strategies to support sustainability and programmatic innovation in the arts. Resulted in development of new programs and tools at Arts & Business Council of Chicago.
- Initiated internal Equity, Diversity, and Inclusion working group. Expected to result in new hiring, retention, and training practices.

Cultural Policy Center at the University of Chicago, Chicago, IL

2003 – 2004; 2007 – 2008

*Research Associate*

- Consulted with academic and policy research teams on analysis of arts and cultural industries data. Contributed to new understanding of economic impact of arts and culture sector.
- Led quantitative analysis for and co-authored multi-city benchmarking study of music industry. Study informed ongoing civic and commercial dialogue about impact of music industry in Chicago.
- Co-founded and organized Emerging Scholars in Cultural Policy conference. Provided presentation and networking opportunities for students at top cultural policy research centers.

Imagitas, Inc., Newton, MA

2000 – 2001

*Senior Marketing Associate, Offline Product Revenue*

- Developed models for predicting advertiser-generated revenue from print product distributed by US Postal Service. Helped to maximize business unit revenue.
- Researched and wrote website content as member of team that received Vice President Gore's Hammer Award for contributions to development of FirstGov.gov.

Historic Neighborhoods Foundation, Boston, MA

1999

*Program Associate*

- Collaborated with leaders in Boston's planning and development community to design educational forums addressing current issues in Boston's growth and development. These advanced civic dialogue about smart, equitable development in the region.

## EDUCATION

UNIVERSITY OF CHICAGO, Chicago, IL

M.P.P., June 2004

Completed coursework toward Ph.D., Public Policy (degree not completed), specializing in urban and cultural policy and program evaluation.

Student coordinator, Political Economy Workshop.

Honors: Harris Fellowship (2 years) and Teaching Assistant of the Year Award, 2005-06 (microeconomics, statistics, econometrics).

HARVARD UNIVERSITY, Cambridge, MA

AB, Government, cum laude, June 1999

Co-founder and editor-in-chief, *Common Conscience* (undergraduate political magazine).

Selected participant, Women's Leadership Conference.

Honors: Harvard College Scholarship (4 years) and Elizabeth Cary Agassiz Award.

## SARAH L. LEE

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### SELECTED PUBLICATIONS

Sarah Lee and Katherine Gean (2017). *The Engagement Revolution: A Study of Strategic Organizational Transformation in 10 California Arts Nonprofits*, a report for the James Irvine Foundation.

Sarah Lee and Kiley Arroyo (2017). *Recognizing and Advancing Nonprofit Excellence: An Evaluation of the MacArthur Award for Creative and Effective Institutions*, a report for the MacArthur Foundation.

Sarah Lee, Peter Linett, and Nicole Baltazar (2016). *Setting the Stage for Community Change: Reflecting on Creative Placemaking Outcomes*, a report for the Levitt Foundation.

Sarah Lee and Peter Linett (2014). *New Data Directions for the Cultural Landscape: Toward a Better-Informed, Stronger Sector*, a report for the Cultural Data Project.

Nick Rabkin, Peter Linett, and Sarah Lee (2012). *A Laboratory for Relevance: Findings from the Arts Innovation Fund*, a report for the James Irvine Foundation.

Sarah Lee with Amy Barr, Karlene Hanko, Catherine Jett, Anne Lee Groves, and Peter Linett (2012). *Charting New Paths through Innovative Collaboration: Chicago Arts Organization Needs Study*, a report for the Arts & Business Council of Chicago and the Illinois Arts Council.

Lawrence Rothfield, Don Coursey, Sarah Lee, Daniel Silver, and Wendy Norris (2007). *Chicago Music City: A Report on the Music Industry in Chicago*, a report for the Chicago Music Commission.

Christopher R. Berry and Sarah L. Lee (2006). "The Community Reinvestment Act: A Regression Discontinuity Analysis." *Harris School Working Paper Series*.

Don Coursey and Sarah Lee. "An Examination of the Effects of Impact Fees on Chicago's Suburbs: An Updated Report." Commissioned by the Illinois Association of Realtors.

### PROFESSIONAL AFFILIATIONS & VOLUNTEER EXPERIENCE

Board of Directors, ArtsBoston

Steering Committee Member, Cultural Research Network (past Chair)

Classroom Aide, Adult ESOL Class, Cambridge Community Learning Center

Member, American Evaluation Association

Member, Visitor Studies Association

## OFFICE OF THE SELECT BOARD

DANIEL J. DUNN, CHAIR  
DIANE M. MAHON, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
CLARISSA ROWE



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

### TOWN OF ARLINGTON MASSACHUSETTS 02476-4908

February 12, 2019

Sarah Lee

Arlington, MA 02474

Re: Appointment: CDBG Subcommittee

Dear Ms. Lee:

As a matter of the standard appointment procedure, the Select Board requests that you attend a meeting of the Select Board at Town Hall, Select Board Chambers, 2<sup>nd</sup> Floor, 730 Massachusetts Avenue, on Monday, February 25th at 7:15 p.m.

It is a requirement of the Select Board that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with Fran, Ashley, or Lauren at the above number.

Thank you.

Very truly yours,  
SELECT BOARD

A handwritten signature in black ink that reads "Marie A. Krepelka". The signature is fluid and cursive, with "Marie A." on the top line and "Krepelka" on the bottom line.

Marie A. Krepelka  
Board Administrator

MAK:ls



## Town of Arlington, Massachusetts

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### Discussion & Approval: MBTA Bus Stop Signage Installation and Replacement Initiative

#### **Summary:**

Daniel Amstutz, Senior Transportation Planner

#### **ATTACHMENTS:**

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Planning_memo_-_MBTA_Bus_Stop_Sign_Replacement_Initiative_-_Memo from Planning Department _new_parking_restrictions_FINAL.pdf	Memo from Planning Department



**TOWN OF ARLINGTON**  
DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

**MEMORANDUM**

To: Adam Chapdelaine, Town Manager

CC: Jennifer Raitt, Director, Department of Planning and Community Development  
Michael Rademacher, Director, Department of Public Works

From: Daniel Amstutz, Senior Transportation Planner, Department of Planning and  
Community Development

Date: February 11, 2019

RE: MBTA Bus Stop Sign Installation and Replacement Initiative – Parking Impacts

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On December 14, 2018, the MBTA forwarded a memo to the Department of Planning and Community Development and Department of Public Works about the MBTA Bus Stop Sign Installation and Replacement Initiative. The memo details proposed rear bus sign installations for five bus stops in Arlington affecting five bus routes. These are locations where a rear bus stop sign (necessary to delineate the bus stop zone in a parking lane) has not previously existed, or should be moved to lengthen the bus stop zone, so that buses can pull out of the travel lane and stop with both doors next to the curb. This is important for accommodating passengers with mobility issues.

The installation of these new signs will impact a total of eleven on-street parking spaces to accommodate these properly delineated bus stops. The number of parking spaces that are expected to be displaced at each bus stop location is detailed in Table 1. Staff from the Arlington Department of Planning and Community Development, Arlington Police Department, and Arlington Department of Public Works reviewed the parking impacts detailed in the MBTA memo. The review included desktop assessment and site visits to the bus stops where signs are proposed to be added. Staff responded in a memo to the MBTA dated January 4, 2019, noting that, based on staff review, the parking impacts from the installation of new bus stop signs are acceptable.

Specific comments on each stop location and additional comments to the MBTA can be found in the January 4 memo. Additional staff recommendations included consolidating bus stops on Route 87 at Broadway opposite Silk Street and Broadway at Sunnyside Avenue; removing an outdated MBTA bus schedule for Routes 84 & 78 at Wachusett and Florence Avenue; installation of pavement markings to clearly define the lengthened bus stops; and providing more information in future communications about the planned length of extended bus stops. The response from the MBTA noted that consolidation of bus stops and pavement markings

are outside of this project's scope of work; the length of the proposed bus stops and parking impacts are approximate; and that they will remove the outdated schedule.

DPCD mailed letters to the residents directly abutting these bus stops to notify them of the proposed parking impacts. At the end of this memo are pictures (provided by the MBTA) showing the bus stop location and the approximate location of the new bus stop sign.

Staff request that the Select Board approve the new bus stop sign locations and the associated parking restrictions be put in place so the MBTA can proceed with their sign installations during the 2019 construction season as outlined in Table 1 below.

I would be glad to discuss this further, should you have any questions about this proposal.

**Table 1: Summary of Parking Impacts Due to Rear Sign Installation with Route Numbers**

Stop ID	Stop Name	MBTA Bus Route	# of Parking Spaces Impacted	Type of Parking
12653	Broadway opposite Silk Street	87	2	1 Hour
7921	Massachusetts Avenue @ Paul Revere Road	62	1	Unregulated
23533	Pleasant Street @ Addison Street	67	3	1 Hour
23531	Pleasant Street @ Gould Road	67	4	1 Hour
2471	Wachusett Avenue @ Florence Avenue	78 & 84	1	Unregulated

## Bus Stop Graphics Showing Approximate Locations of New Bus Stop Signs:

ARLINGTON	STOP ID NO. 12653	BROADWAY OPP SILK ST
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30 Broadway  
Arlington, Massachusetts  
Google, Inc.  
Street View - Oct 2017

PROPT SIGN ON NEW POST

NOTES:  
1. LOCATE SIGN POST 5 FT LEFT OF EXIST MH.  
2. PARKING REMOVAL TO BE APPROVED PRIOR TO REAR SIGN INSTALL. CHECK LATEST BUS STOP TRACKING LIST FOR MUNICIPAL APPROVAL.

See note 1

PROPT SIGN ON EXIST POST

<https://www.google.com/maps/@42.4080336,-71.1360384,3a,75y,142.11h,80.26t/data=!3m6!1e1!3m4!1sJNwkvGQWU7qt7cVLdz0Vrw!2e0!7i13312!8i6656>

ARLINGTON	STOP ID NO. 7921	MASSACHUSETTS AVE @ PAUL REVERE RD
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1425 Massachusetts Ave  
Arlington, Massachusetts  
Google, Inc.  
Street View - Oct 2017

PROPT SIGN ON NEW POST

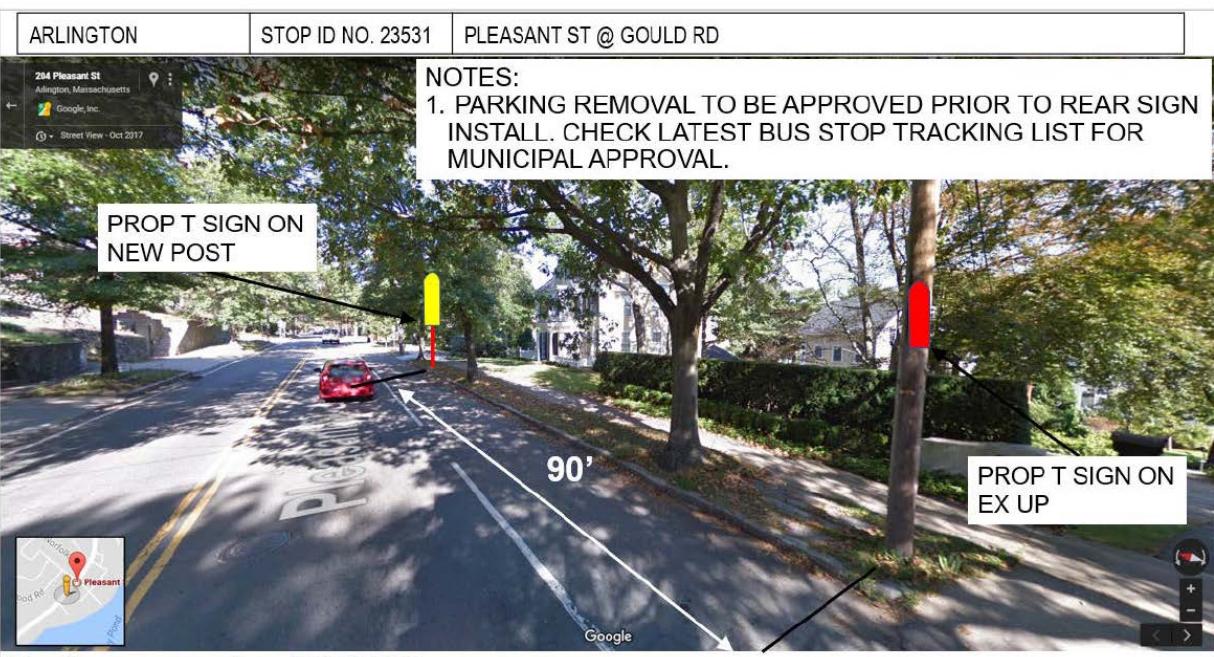
NOTES:  
1. PARKING REMOVAL TO BE APPROVED PRIOR TO REAR SIGN INSTALL. CHECK LATEST BUS STOP TRACKING LIST FOR MUNICIPAL APPROVAL.

3'

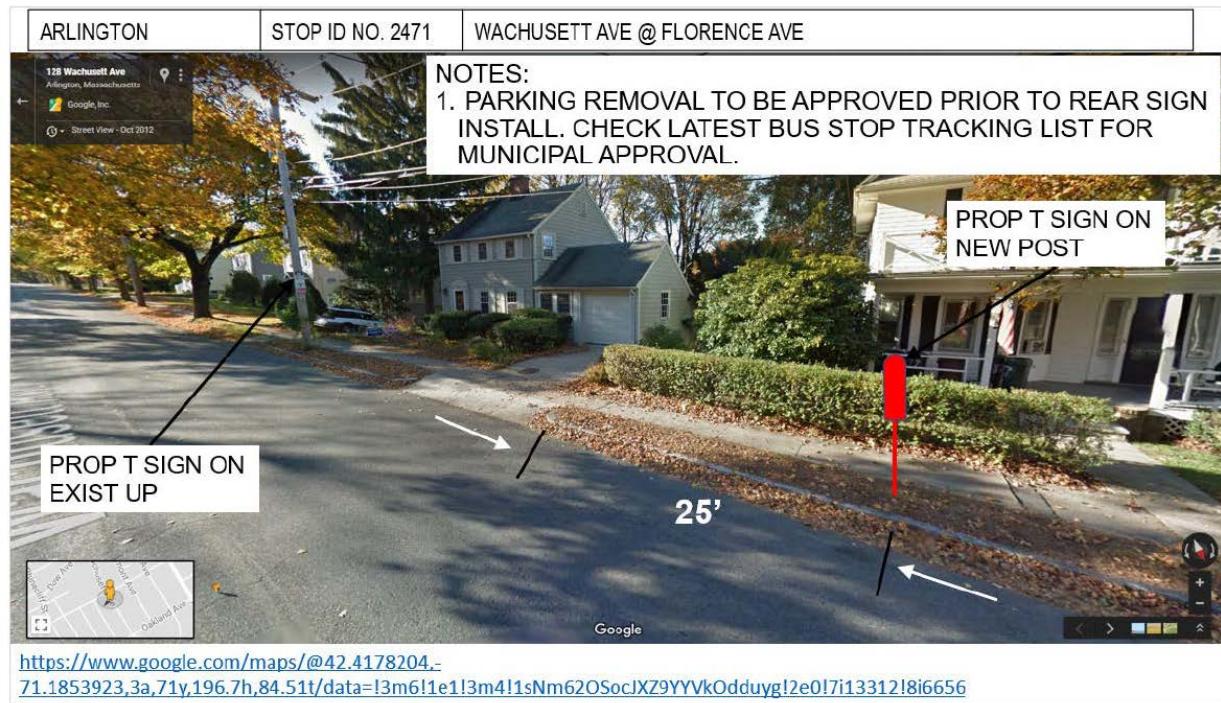
PROPT SIGN ON EXIST LP

<https://www.google.com/maps/@42.4249559,-71.1874897,3a,75y,165.28h,83.08t/data=!3m6!1e1!3m4!1sbXbGACna6Fp00ZV7VS-3zQ!2e0!7i13312!8i6656>

## Bus Stop Graphics Showing Approximate Locations of New Bus Stop Signs (Continued):



## Bus Stop Graphics Showing Approximate Locations of New Bus Stop Signs (Continued):





## Town of Arlington, Massachusetts

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### **Discussion & Approval: Bus Rapid Transit Pilot Results and Recommendation For Permanent Implementation**

#### **Summary:**

Daniel Amstutz, Senior Transportation Planner

#### **ATTACHMENTS:**

Type	File Name	Description
□ Reference Material	Planning_memo_-_Dedicated_Bus_Lane_Implementation_DRAFT_v5.pdf	Memo from Planning Department
□ Reference Material	Arlington_BRT_MBTA_Data_and_Bus_Lane_Implementation_DRAFT_v3_(3).pdf	Reference



**TOWN OF ARLINGTON**  
DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

**MEMORANDUM**

To: Adam Chapdelaine, Town Manager/Select Board

From: Daniel Amstutz, Senior Transportation Planner

CC: Jennifer Raitt, Director of Planning and Community Development  
Julian Flaherty, Acting Chief of Police, Arlington Police Department

Date: February 21, 2019

RE: Final BRT Pilot Data & Recommendations to Install Dedicated Bus Lane on Mass Ave

---

From October 9 to November 9, 2018, elements of Bus Rapid Transit (BRT) were piloted in Arlington on the eastbound side of Mass Ave between Lake Street and Alewife Brook Parkway. The pilot was made possible by a grant from the Barr Foundation in support of implementing bus priority for routes 77, 79, and 350. The Town hired VHB to assist with designing the elements of the bus priority pilot and conduct traffic analysis. Other key partners in the pilot implementation included the MBTA, City of Cambridge, state Department of Conservation and Recreation, and the Institute for Transportation & Development Policy. Leading up to the fall pilot, the Town conducted a robust public outreach process, including three public forums, surveys, news items and email communications, and multiple stakeholder meetings and conversations with East Arlington residents and business owners.

The pilot included the following elements: relocation of the bus stop to the far side of the Mass Ave and Lake Street intersection; transit signal priority (TSP) and a queue jump at the same intersection; the repurposing of parking spaces from 6:00 a.m. to 9:00 a.m. for a dedicated bus and bike lane from the intersection of Mass Ave and Varnum Street to the Alewife Brook Parkway; and traffic signal and lane changes at the intersection of Mass Ave and Alewife Brook Parkway. Although not associated directly with the BRT pilot, TSP has also been installed at three additional locations on Mass Ave: at Bates Road/Marion Road, Franklin Street, and Mill Street/Jason Street. All elements of the pilot except for the dedicated lane have remained in place. The dedicated lane ended after November 9 pending further analysis of the impact of the dedicated lane on MBTA bus operations, post-pilot survey data, and a review of best practices for dedicated bus lane designs.

The goals of the pilot were to improve traffic flow, reduce travel time, and increase reliability. This memo reviews the results of the MBTA bus data analysis, post pilot survey data and other public comments, and provides recommendations for creating a permanent dedicated

bus lane on the eastbound side of Mass Ave between Varnum Street and Alewife Brook Parkway.

## BRT Pilot Results – Overview and Post-Pilot Data

The Town successfully implemented elements of BRT during the pilot period. Data from the MBTA shows that the BRT elements and particularly the dedicated bus lane were extremely effective at reducing travel time and increasing reliability for MBTA buses. Survey data collected after the end of the pilot reflects mostly positive experiences with the BRT elements by users of all modes on Mass Ave. Traffic flow for general travel lanes was not substantially compromised by the pilot elements. The following sections discuss these results in more detail.

### *MBTA Data*

MBTA data were analyzed by Stantec, hired by the Barr Foundation to help review data from the BRT pilots they funded across the region. Stantec used Automatic Vehicle Location (AVL) and Automated Passenger Count (APC) data provided by the MBTA collected across three time frames: before the pilot (September 9 – October 8), during the pilot (October 9 – November 9), and after the pilot (November 10 – December 14). They analyzed data for Routes 77, 79 and 350. From these data conclusions could be drawn about the impact of the pilot on overall route running times, bus travel time in the pilot area, reliability of bus routes, and bus on-time performance:

- **Buses ran faster through the pilot area than they did before the pilot. Improvements were especially significant in the 7:00-8:00 am and 8:00-9:00 am rush hours.**
  - The dedicated lane saved, on average, five minutes in commute time for all bus routes during the hours it was piloted. Time savings extended to the entire route, meaning that the five minutes saved on Route 77, for example, was not lost in later sections of the trip to Harvard Square. The entire route was five minutes faster, or 10% shorter than the before pilot conditions.
  - During the pilot, median travel times (50<sup>th</sup> percentile) through the pilot area were 41% and 53% faster at 7:00-8:00 a.m. and 8:00-9:00 a.m., respectively, for Route 77; and were 28% and 41% faster at 7:00-8:00 a.m. and 8:00-9:00 a.m., respectively, for Routes 79 and 350.
  - Worst case scenario (90<sup>th</sup> percentile) travel times were also significantly lower during the pilot, being between 7-10 minutes faster from 7:00-9:00 a.m. for all the routes studied.
  - Some improvements in running times were observed at the 6:00-7:00 a.m. hour, but were generally not as consistent or substantial as for the later hours.
- **Buses did not just run faster, they consistently ran faster and reliability increased. The variability during rush hour in the pilot area fell to below five minutes, for all routes.**
  - Whereas pre-pilot the time for Route 77 to travel from Lake Street to Alewife Brook Parkway could take anywhere from 11 to 17 minutes during the 8:00-

9:00 am period, the dedicated lane both reduced the overall travel time and reduced this spread considerably.

- For Route 77, between 8:00-9:00 a.m., variability decreased 64% — from almost seven minutes before the pilot to only 2 minutes and 20 seconds during the pilot. Thus the bus became more reliable.
- For Routes 79 and 350, between 8:00-9:00 a.m., variability decreased 52% — from seven and a half minutes to only 3 minutes and 3 seconds during the pilot.
- **On-Time Performance (OTP) for Routes 79 and 350 increased significantly during the pilot, and has continued to be higher than before the pilot was implemented.**
  - This is true for both inbound and outbound buses on both routes. Route 79 operated on schedule 22% more of the time inbound and 19% outbound, improving OTP over 70% in both directions. Similarly, Route 350 operated on schedule 11% more of the time inbound and 14% outbound, improving OTP to about 70% inbound and 60% outbound.
- **Moving the eastbound bus stop on Lake Street from the near side of the intersection to the far side of the intersection saved approximately one minute of travel time in the peak morning commute hours.**
- **Post-pilot, all bus routes are traveling faster than before the pilot was implemented, indicating that the elements that remained after the pilot are continuing to have a positive impact. However, the time savings are not as significant as they were during the pilot when the dedicated bus lane was in place.**

Overall, buses consistently ran faster and more reliably, creating a better experience for bus riders.

### *Post-Pilot Survey Data and Emailed Comments*

A post-pilot survey to collect data on user experiences with the BRT pilot was open from November 14 to November 30, 2018. During this time 382 responses were collected. The breakdown of responses by transportation mode is 43% drivers, 36% public transit users, 14% bicyclists, 4% pedestrians, and 3% other modes (including ride-hail service users and commercial vehicle drivers). Over 90% of survey respondents travel on Mass Ave at least two days a week, and 89% had traveled on Mass Ave during the BRT pilot.

Out of all responses, 67% were very satisfied or satisfied with the pilot (47% and 20% respectively), 18% were neutral, and 15% were dissatisfied with the pilot. 73% of survey respondents said with the dedicated bus lane should remain, with a large majority (58%) saying the bus lane should be longer. 13% said the bus lane should not be brought back and 14% didn't know or had no opinion.

81% of bus riders were very satisfied or satisfied with the pilot (59% and 22% respectively), 94% of bicyclists were very satisfied or satisfied, and 50% of drivers were very satisfied or satisfied. Another 27% of drivers were neutral, and 24% of drivers were dissatisfied or very dissatisfied. Over 90% of bus riders and bicyclists said the bus lane should remain with over 70% of both saying the bus lane should be longer. Interestingly, 54% of drivers said the bus

lane should remain or be longer (38% said it should be longer). 24% of drivers said the Town should not keep the lane, and 22% did not know or had no opinion.

Survey comments were generally supportive of the BRT pilot and the changes that were implemented. While most bus riders were supportive of the changes, there were some concerns about moving the bus stop at Lake Street and that the bus lane was not long enough. Bicyclists mostly liked the function of the lane for buses and bicycles, and there were few comments about conflicts between the two modes. Drivers were split about the effect of the BRT pilot on traffic flow – many said that traffic was better or did not change, while others argued that traffic was worse than normal and blamed it on the pilot elements. Waze data reviewed by the town as part of its Connected Citizens Program participation indicated that, while the first week of the pilot suffered from increased travel times (likely due to the implementation of the pilot elements), traffic congestion was back to its usual condition by the second week. Variations in traffic conditions during the pilot period outside of the pilot area could also have contributed to differences in congestion along Mass Ave.

Several emailed comments were received by DPCD during and after the BRT pilot. Most comments were supportive of the pilot and the dedicated bus lane. Other comments referred to specific elements of the pilot, such as the signal adjustments at Alewife Brook Parkway, noted issues with MBTA bus scheduling beyond the scope of the pilot, or raised concerns about traffic conditions on side streets during the pilot.

From the survey data and other public comments, it is clear that public opinion is strongly in favor of implementing the dedicated bus lane and making it longer, if possible.

## **Implementation Strategy for the Dedicated Bus Lane**

As noted earlier, time savings during the pilot were much more significant with the dedicated bus lane, which was removed at the end of the pilot. The following sections detail a recommended strategy to install a permanent, time-limited dedicated bus lane on Mass Ave in the same location as was piloted in October 2018. Permanent implementation involves determining the time of day restrictions, length of the bus lane, infrastructure needed to designate the lane, enforcement of the lane, and snow clearance.

### *Time of Day Restriction*

In the BRT pilot, the dedicated bus lane ran in the parking lane on the eastbound side of Mass Ave between 6:00-9:00 a.m. Monday through Friday. Staff recommend keeping this same time restriction in the permanent installation. An argument could be made for reducing the hours of the bus lane to 7:00-9:00 a.m. because the MBTA data show the bus lane was most effective for reducing travel time and increasing reliability in the 7:00-8:00 and 8:00-9:00 hours, while it was not as effective during the 6:00-7:00 hours. In addition, the overnight parking ban ends at 7:00 a.m. However, beginning the dedicated lane earlier in the morning establishes the lane well in advance of the morning commute and allows additional time for ensuring the lane is clear of parked vehicles before the worst slowdowns start to occur. It is also likely that providing additional buffer time at the very beginning of the morning

commute contributes to the impressive benefits to travel time and reliability gained in the later hours.

### *Length of Dedicated Bus Lane*

The dedicated bus lane was piloted between Varnum Street and Alewife Brook Parkway. At this time, Planning staff propose to install the permanent lane within the same geographic limits. Although post-pilot survey respondents indicated a preference for making the bus lane longer than in the pilot (at least back to Lake Street), and the MBTA is also supportive of extending the bus lane, there are complications with extending it west. In particular, there are three bump-outs serving uncontrolled crosswalks that were installed as part of the Mass Ave redesign project. The three bump outs are at Marathon Street, Milton Street, and Varnum Street. These would need to be removed to enable MBTA buses to travel freely in the parking lane from Lake Street to Alewife Brook Parkway, potentially reducing the pedestrian safety of these crosswalks. Staff must research additional methods to improve the safety of these crosswalks before proposing to lengthen the bus lane. The MBTA has indicated that it may be able to partner with the Town to create a design for an extended bus lane and provide funding for capital costs if the Town is willing to pursue this option.

In addition to the safety concerns outlined above, staff believe that the bus lane should be installed permanently as it was done in the pilot and monitored before attempting to extend or install new bus lanes in the Town. This will allow staff to analyze the effects of the lane on town staff time, its cost, and the effectiveness of infrastructure and enforcement, before committing the Town to a more ambitious installation.

### *Infrastructure*

In the BRT pilot, the dedicated lane in the parking lane and the bike lane was separated from the general travel lanes by traffic cones that were placed by DPW each morning shortly before the hours of the bus lane went into effect. DPW picked up the traffic cones each day after the bus lane period was over. Implementing this as part of a permanent lane installation requires ongoing costs for the labor of dropping off and picking up traffic cones each weekday the bus lane operates. DPW estimates that it will cost \$5,000 per month in additional costs to continue this practice indefinitely, which is not recommended as part of the implementation strategy. Permanent vertical infrastructure such as curbs or bollards to separate the bus lane from the general travel lanes cannot be used while the bus lane continues to operate as a parking lane outside of weekday morning commute hours.

Infrastructure needed for the dedicated bus lane will consist of signage and pavement markings, similar to what has already been installed in Cambridge, Everett, and Boston. Signs and markings must be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD). Chapter 2G of the MUTCD covers Preferential and Managed Lane Signs, while Chapter 3D covers Markings for Preferential Lanes. Chapter and figure references are based on the current MUTCD in force, which as of this writing is the 2009 edition.

Based on MUTCD guidelines and experiences from cities in the region, the following are suggested signs and markings:

- Regulatory signage should be placed along the dedicated bus lane to establish its location and that it will be enforced. Figure 1 includes three examples of regulatory signs for preferential bus lanes from the MUTCD, with further explanations below.
  - R3-11b: “RIGHT LANE – BUSES ONLY” with the times of day indicated (6-9 AM). To avoid confusion between where buses will travel (the parking lane, instead of the rightmost travel lane), “RIGHT LANE” may be replaced with “PARKING LANE”. In addition, to specifically allow bicycles to travel in the bus lane, the content of the sign should say “BUSES AND BIKES ONLY”, which is also what Cambridge is installing on their bus lane signage.
    - One sign should be installed per block at the beginning of the block to clearly note the limits of the lane. Five signs will be required for the five blocks of the dedicated lane, at Varnum Street, Magnolia Street, Thorndike Street, Fairmount Street, and Lafayette Street.
    - Signs may need to be larger than the MUTCD standard to accommodate the text.
  - R3-12f: “BUS LANE AHEAD”. If used, this should be modified to say “BUS AND BIKE LANE AHEAD” which is being used for the Cambridge bus lanes on Mt. Auburn Street. Since the bus lane does not impact the general travel lanes or require a merge/weave for general traffic, this sign may not be strictly necessary. This sign should be installed near Milton Street.
  - R3-12g: “BUS LANE ENDS”. If used, this should be modified to say “BUS AND BIKE LANE ENDS” which is being used for the Cambridge bus lanes on Mt. Auburn Street. This sign should be used as it identifies the area where buses and bicycles will merge back into the general traffic lanes at Alewife Brook Parkway. It should be installed near Boulevard Road.



R3-11b



R3-12f



R3-12g

Figure 1 - Preferential Lane Signs, MUTCD 2009 (Section 2G.03, Figure 2G-1)

- Pavement markings should be placed along the dedicated bus lane to establish its location and clearly communicate to drivers that parking is not allowed at certain times of the day. Markings can also call attention to the parking lane as being different from parking lanes in other parts of the town. Two types of pavement markings are appropriate:
  - BUS ONLY – the preferential lane-use marking for a bus only lane. A dedicated bus lane on Washington Street in Boston also marks the time restriction of the lane in pavement markings. To clearly communicate that the bus lane in the parking lane is not an all-day feature, it would be beneficial to include this restriction in the markings.
    - Similar to regulatory signage, BUS ONLY pavement markings could be installed in five locations -- at Varnum Street, Magnolia Street, Thorndike Street, Fairmount Street, and Lafayette Street. Due to space constraints, the time restrictions may need to be removed or the markings may need to be made smaller than preferred.
  - Red colored pavement – Boston, Everett, and Cambridge have all used red paint or other marking materials to call attention to their bus lanes. To reduce the amount of red coloring applied to the pavement, painting around the BUS ONLY wording and around the parking stall markings should be sufficient. See the picture in Figure 2 for an example of this painting scheme.



**Figure 2 – Red pavement markings on Mass Ave in Central Square, Cambridge**

## *Enforcement*

With only signs and pavement markings to delineate the bus lane and its time restrictions, consistent and frequent enforcement becomes much more important to preventing drivers of private vehicles from parking or driving indiscriminately in the lane. What is most important, however, is that the lane is clear during the times that a bus travels down the lane. Drivers using the lane to make a right turn onto a side street or momentarily entering the lane to merge into the general travel lane should be discouraged, but not necessarily penalized. Once the bus lane is permanently established it is expected that drivers will become used to having the bus lane there and will self-enforce.

To ensure the bus lane is free from vehicle obstructions, the Arlington Police Department recommends that one traffic officer is dedicated to the area for the first 30 calendar days of the bus lane implementation to enforce the parking restriction in the bus lane during its operation, 6:00-9:00 a.m. on weekdays. This is estimated to cost approximately \$5,400.

After this 30 day period, a Sector Officer will be assigned to the area who can periodically monitor the bus lane for illegally parked vehicles and take enforcement action as necessary. The Sector Officer will have a regular assignment in East Arlington and may be called away for other police duties when needed. Thus this assignment will not come at additional cost to the town above and beyond existing police operations budgets.

Ideally, the traffic officer will travel up and down the parking lane and direct drivers to move out of the lane at the beginning of the bus lane period and throughout the three hours. In Everett, a parking control officer drives through the parking lane with a megaphone and orders vehicles out of the way. Generally, towing vehicles would be considered a last resort, unless it is necessary to address an especially obstinate driver.

## *Snow Clearance*

Keeping the parking lane clear of snow and ice is an important consideration to ensuring MBTA buses can travel through the lane in its hours of operation. The parking lane should be cleared as normal to the extent that parked vehicles and buses can use the lane after the snow event has finished. However, if there is so much snow in a winter that snow storage along the roadway is maxed out and the parking lane cannot be fully cleared, buses can continue to use the regular travel lane during the morning commute, as they do currently. Occasional impediments to using the parking lane as a bus lane due to challenges of snow removal should not be considered a failure of the bus lane, as it will still be useable the vast majority of the year.

## **Conclusion**

The dedicated bus lane implemented in the BRT pilot was overwhelmingly successful in improving public transportation and is strongly supported by the public. Examples of bus lanes in neighboring communities prove that they can be successfully implemented in the Boston region and Arlington can learn from their experiences. In addition, the town has strong support from the MBTA to implement the dedicated lane permanently.

The dedicated bus lane should be implemented as early as spring 2019, once weather allows for pavement markings to be easily applied to the road surface.



# Massachusetts Avenue Bus Priority Lane Implementation

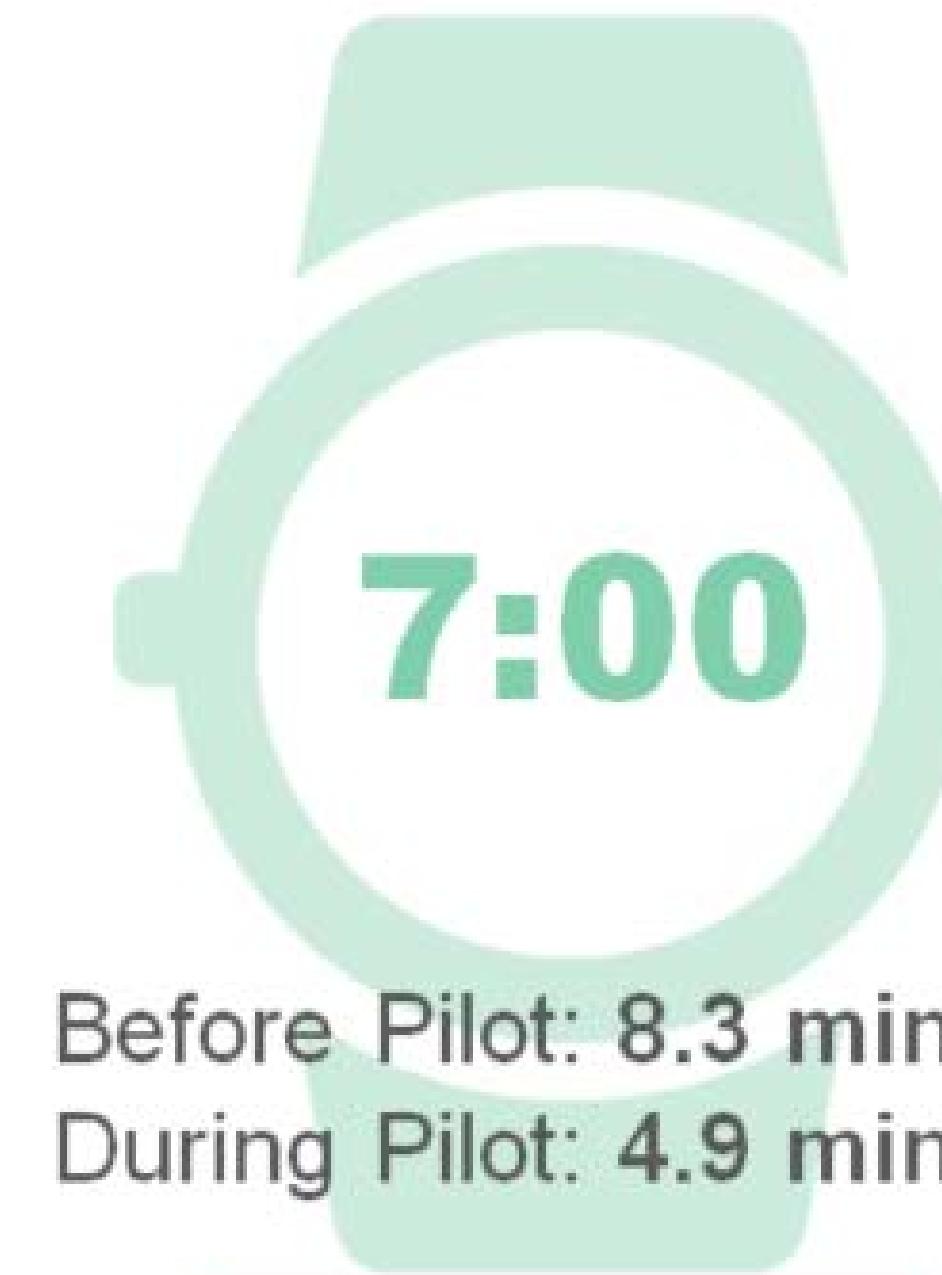
Select Board Meeting

February 25, 2019

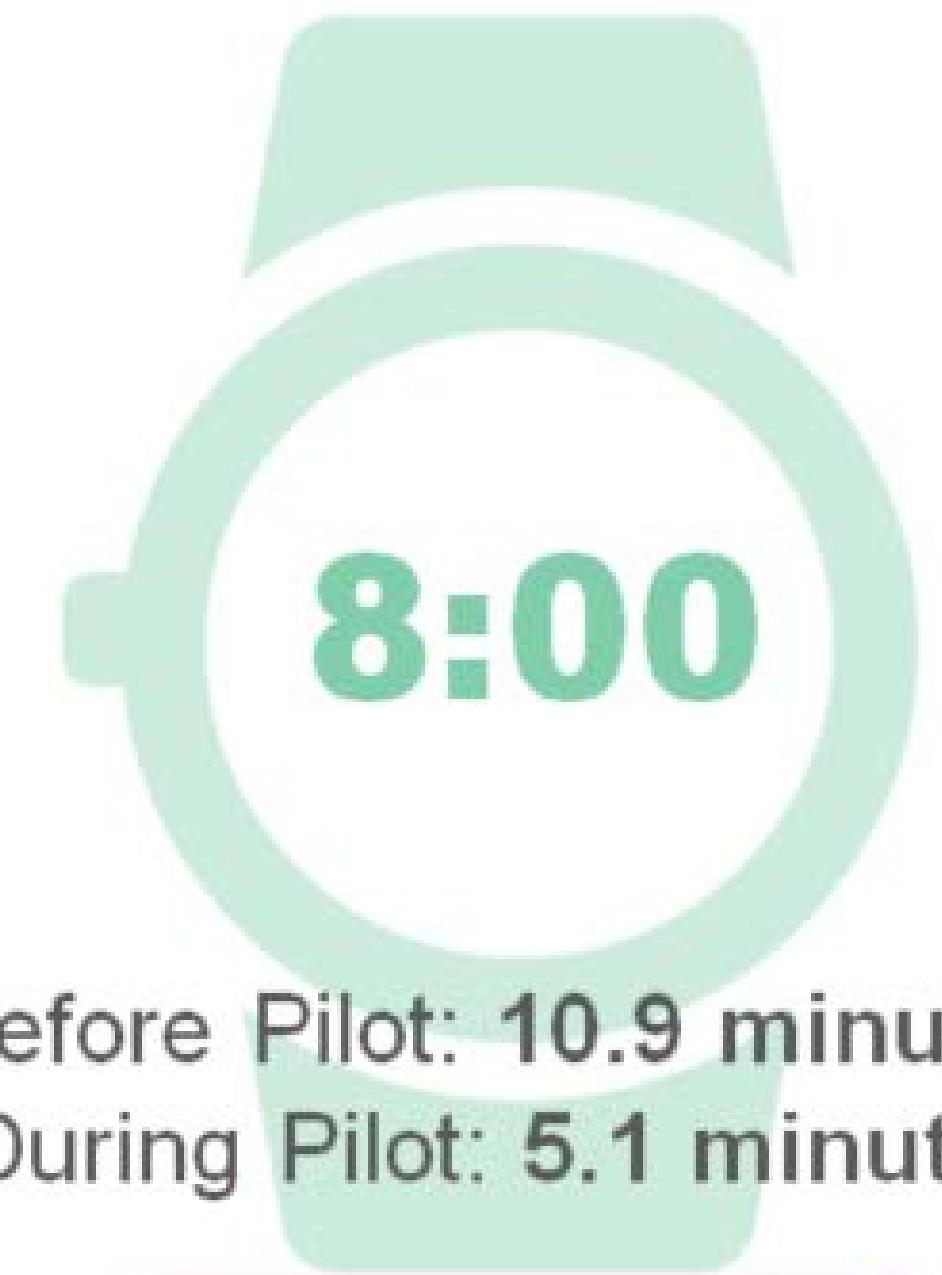
# BRT Pilot MBTA Data

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- Data analyzed before, during, and after the pilot for Routes 77, 79, 350
- MBTA Buses ran **5 minutes faster on average** through the pilot corridor especially during 7:00-8:00 a.m. and 8:00-9:00 a.m. rush hours
- Median travel times **41% and 53% faster** at 7:00-8:00 a.m. and 8:00-9:00 a.m. for Route 77
- **28% and 41% faster** at 7:00-8:00 a.m. and 8-9 a.m. for routes 79 and 350



41% faster  
during pilot

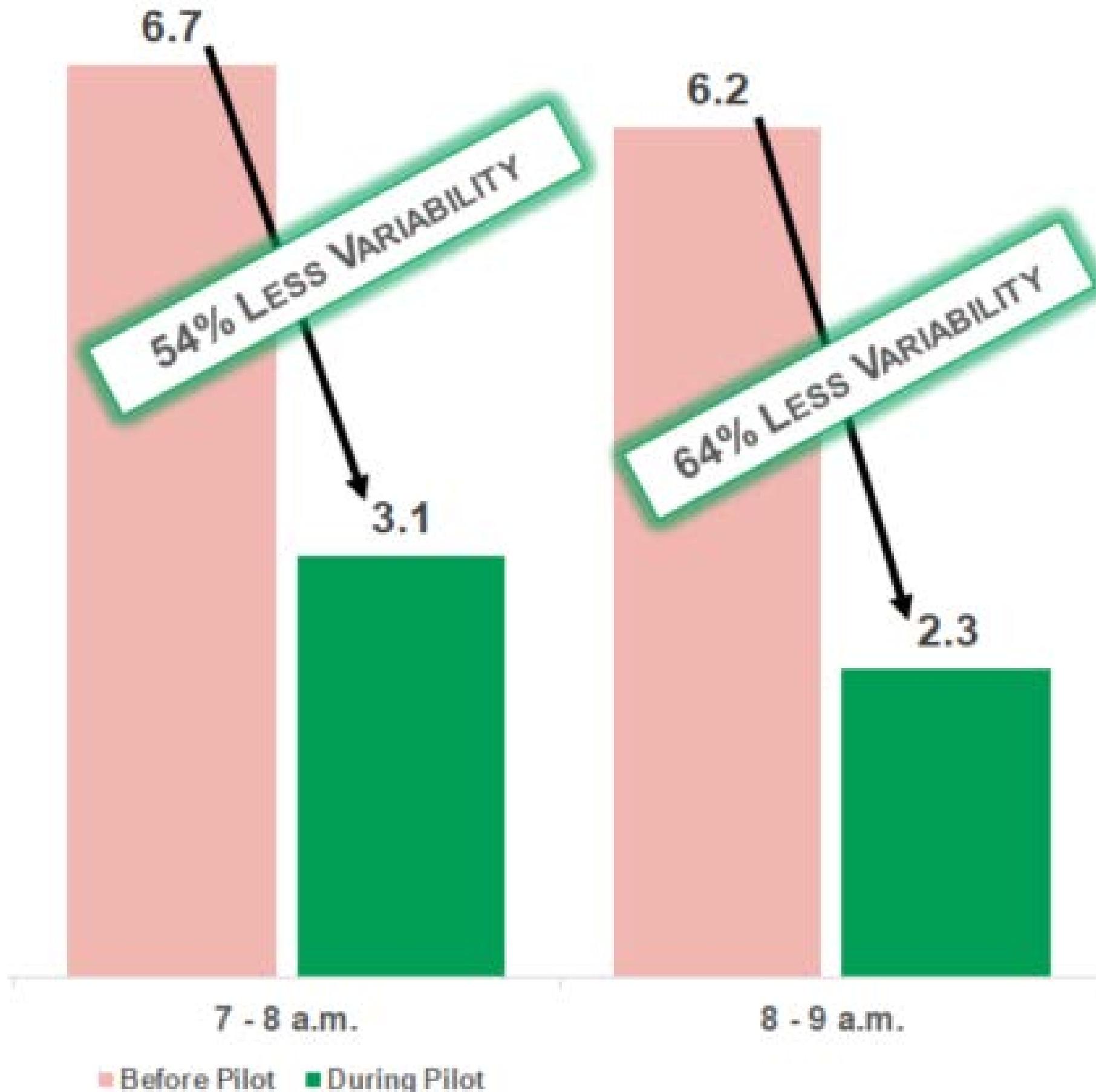


53% faster  
during pilot

**Route 77 Median Travel Time, Inbound**

# BRT Pilot MBTA Data

- MBTA Buses ran **consistently faster and reliability increased** – variability fell below 5 minutes for all routes
- Travel time in pilot corridor 8:00-9:00 a.m. for Route 77 before pilot: 11-17 minutes; **during pilot: 5-7 minutes**

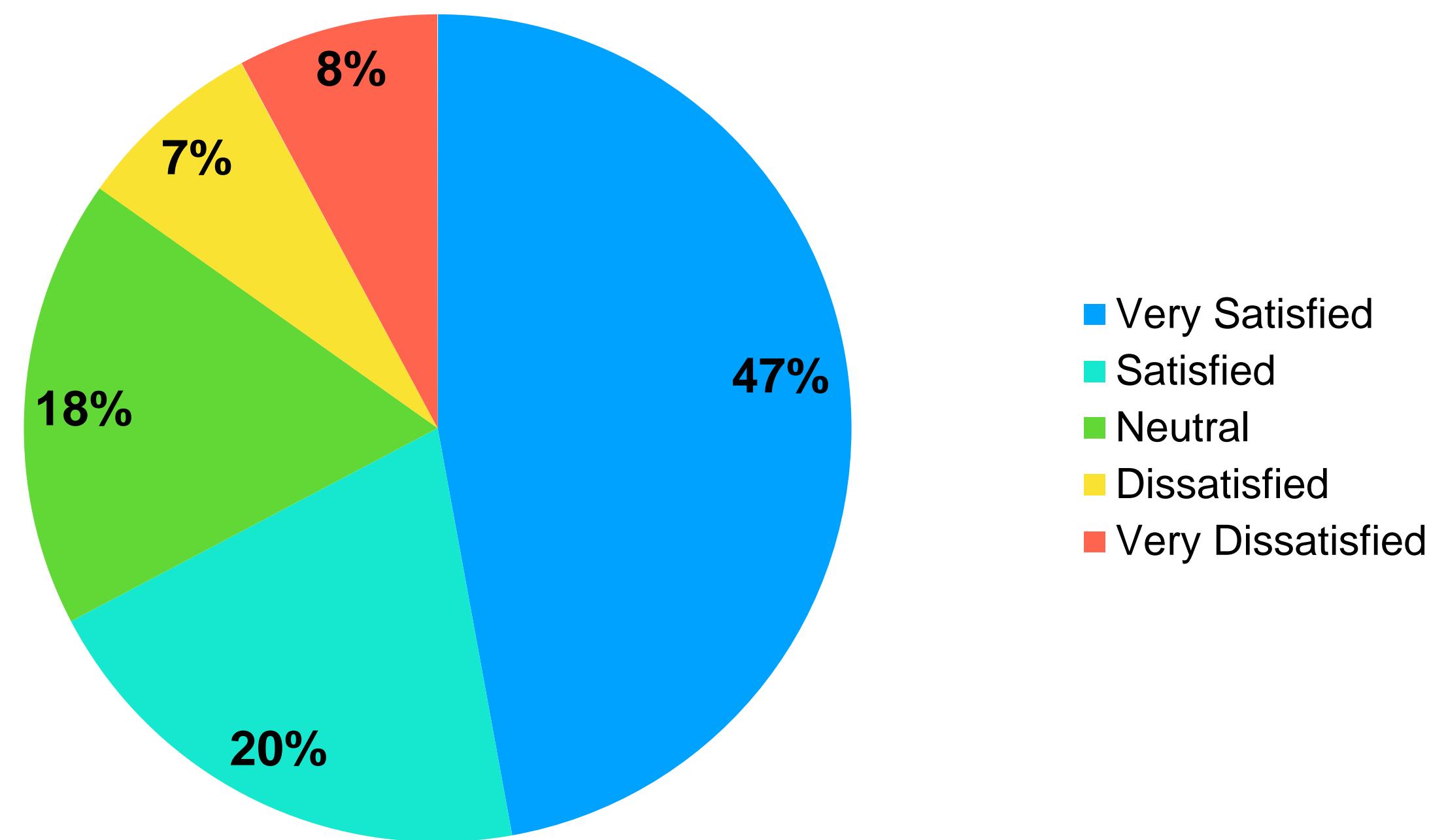


# Post-Pilot Survey

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- Open from **November 14-30, 2018**; received **382** responses
- Respondents: **drivers (43%)**, **bus riders (36%)**, **cyclists (14%)**, **walkers (4%)**
- **Over 2/3** of respondents **very satisfied or satisfied** with their pilot experience
- **Over 70%** said the dedicated bus lane should **remain**

**Based on your experience in your most common mode of travel, how satisfied are you with the BRT Pilot on Mass Ave?**



# Bus Priority Lane Implementation

- 6:00-9:00 a.m., Monday-Friday
- Same length as pilot location -- Varnum Street to Alewife Brook Parkway
- Infrastructure -- signage and pavement markings



R3-11b



R3-12f



R3-12g



# Bus Priority Lane Implementation

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- Enforcement -- one traffic officer dedicated to parking enforcement for the first 30 days
- Afterwards, a Sector Officer assigned to the area for periodic monitoring
- Snow Clearance – keep parking lane clear of snow as normal





## Town of Arlington, Massachusetts

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### Discussion & Approval: RFP for 2019 Beer Garden

#### **Summary:**

Adam W. Chapdelaine, Town Manager

#### **ATTACHMENTS:**

Type	File Name	Description
□ Reference Material	Whittemore_Park_Beer_Garden_RFP_Revised.pdf	Beer Garden Proposal

## Request for Proposals

### 2019 WHITTEMORE PARK POP-UP BEER GARDEN

#### I. KEY INFORMATION FOR RESPONDENTS

##### A. OVERVIEW

The Town of Arlington (“Town”) is offering a unique opportunity for a creative entrepreneur or company (“Respondent”) to operate a pop-up Beer Garden in Arlington Center’s Whittemore Park from June 1 through September 29, 2019.

The Town hopes that the Respondent will bring the creativity, passion, and ambiance that reflect Arlington’s status in building community as a festive destination to enjoy live entertainment, beverages, and placemaking. The Town is seeking concepts that are fun, distinctive, and will bring a unique experience to Arlington.

##### B. BACKGROUND

Whittemore Park is a public space in the heart of Arlington Center. As the site of the historic Jefferson Cutter House, it is home to the Cyrus Dallin Museum, the offices of the Arlington Chamber of Commerce, a community art gallery, and is situated at the crossroads of our central business district. The Pop-Up Beer Garden is part of the Town’s effort to bring vibrancy and diverse programming to public spaces.

In 2018, the Town piloted a Beer Garden series with Aeronaut Brewing Company, who held a total of nine Beer Gardens at Whittemore Park on Saturdays in July, August, and September, plus one additional Beer Garden on David Lamson Way on Town Day. On the whole, there were approximately 7,000 attendees over age 21, and an additional 2,000 or more minors (total individual visits; not necessarily unique individuals).

This Request for Proposals (RFP) is an invitation for qualified and experienced Respondents to submit exciting original proposals to plan, manage, and operate the pop-up Beer Garden at Whittemore Park in 2019.

##### C. GOALS AND PRIORITIES

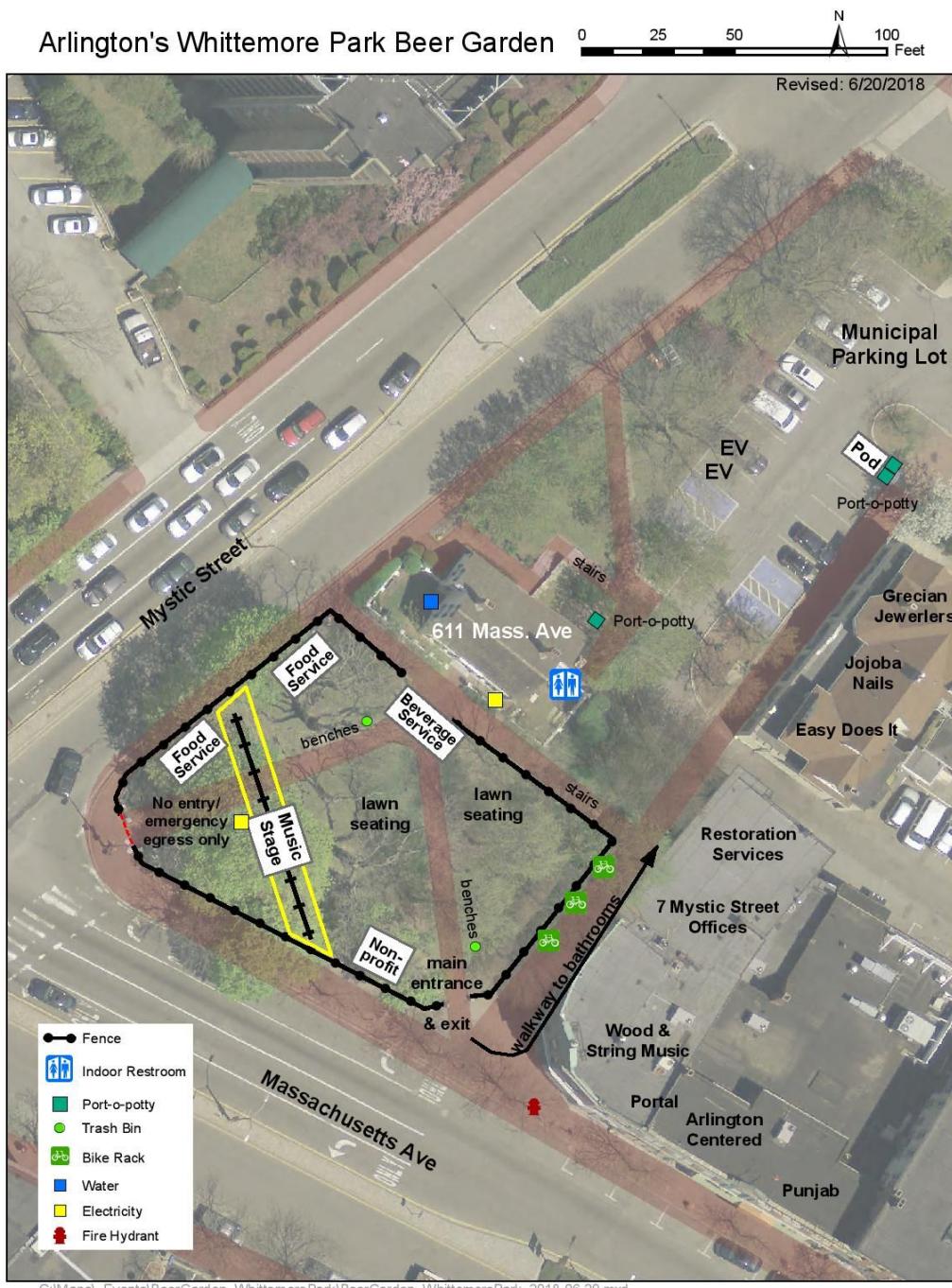
Interviews with select candidates will be based on a compelling vision to achieve the goals and priorities listed below:

1. Create a Beer Garden that is a distinctive and welcoming destination;
2. Ensure streamlined and flexible operations;
3. Provide attractive furnishings, amenities, and other event-related temporary infrastructure;
4. Exhibit superb hospitality; and
5. Present a cogent marketing plan to reach residents of Arlington and attract visitors from around the region.

##### D. LOCATION OVERVIEW

For the Beer Garden site, the Town is providing Whittemore Park. Diagram 1 provides an example layout created by the Town.

Diagram 1: Example Layout



The park is dotted by large trees and features an historic railroad track below grade.

**Operations:** The proposed Beer Garden would operate on weekends between June 1 and September 29, 2019, with the exception of Saturday September 14, 2019, when other activities associated with

Arlington Town Day will take place in Whittemore Park. In addition, the Respondent is required to accommodate the Arlington Center for the Arts having a presence in the park on June 8, 2019 for their annual Porchfest event.

The Beer Garden will run at least one day per weekend, weather permitting, and provisional rain dates should be built into a proposed operating plan. Hours would be no earlier than 12:00 p.m. and no later than 7:00 p.m. Respondents will be expected to issue their own RFP to host at least one but as many as two Arlington-based food vendors located inside the Beer Garden to provide food service to patrons. The Respondent will also hire musicians to play, adding an entertainment amenity to the event.

Bathrooms in the Jefferson Cutter House Cutter Gallery will be accessible to Beer Garden patrons and staffed by at least one employee of the Respondent. A porta-potty will also be placed outside the entrance to the Cutter Gallery at the expense of the Respondent. Wayfinding signage will be posted at the entrance to the Beer Garden and at points of sale within, directing Beer Garden patrons to use those bathrooms only. If at any point during the season it is clear that there are lines for the bathrooms, the Respondent will pay for up to 2 additional porta-potties and must allocate space for them their layout. At their own expense, the Respondent must also place temporary bike racks on Old Mystic Street directly up against the fencing for the park. An ADA-compliant 4-foot clearance will be maintained on Old Mystic Street and at the entrance to the Beer Garden at all times. In addition, all promotional materials will include a site map and instructions to park vehicles in the adjacent and nearby municipal lots and at the Beer Garden bike racks.

The Town is committed to measuring the economic impact of hosting this pop-up event in Arlington Center. As such, a survey will be available to all Beer Garden patrons that will measure their spending activity in town.

**Fees:** The Respondent shall commit to paying a one-time \$1,500 permit fee to the Town of Arlington for use of the park on the dates listed above as a minimum qualifying amount. They will also bear all of the costs for operating the event with the exception of the seasonal food permits from the Health Department for the food vendors, which can be paid for by the food vendors themselves.

**Security Plan:** Access to the Beer Garden will be restricted to an entrance on Mass Ave near the brick alleyway down to the Russell Common lot. Emergency egress would be allowed through the access point to the park at the corner of Mass Ave and Mystic Street. All gaps in the fencing (at corner of Mass Ave and Mystic and on Mass Ave near the Cyrus Dallin Museum sign), with the exception of the entry/egress at the corner of Mass Ave and Old Mystic Street, will be blocked by crowd control fencing. The Respondent must station a staff person who is trained to check identification at the entrance, have TIPS-certified beer servers, and always have at least one Crowd Control certified member of staff on duty. After identification is checked, Beer Garden patrons who are 21 years of age or older will be given a wristband. Per ABCC regulations, each wristband-wearing patron will only be allowed to purchase 2 drinks at a time. Respondent must have one staff member stationed at the exit to assure that no one leaves the Beer Garden with any alcoholic beverages; all beers must be consumed inside the Beer Garden. Signage will be posted stating that no outside alcoholic beverages are allowed inside the Beer Garden. The Respondent will secure liquor liability insurance with the Town named as additional insured in the amount of \$1,000,000.

**Maintenance Plan:** All trash will be removed from the site at the end of each day and disposed of by the Respondent. Restroom facilities will be kept in working order and stocked with paper and soap products by the Respondent on Beer Garden dates. At the close of the 2019 season, the Respondent will be responsible for having the lawn area of Whittemore Park aerated in accordance with standards set forth by the Department of Public Works.

#### E. CONSIDERATIONS AND EXPECTATIONS

Whittemore Park is a public space and does not currently have facilities or storage space for the Beer Garden and the Respondent should address all needs and plans in their proposal. Access to electricity and potable water is of limited availability on site as indicated in Diagram 1. The Respondent will need to have a plan for providing potable water for any permitting needs. Respondents may propose a layout which incorporates the existing furniture, though will also need to plan for additional furniture.

**Concerns to date:** During the 2018 pilot, after the first week it was noted that there was a lack of seating in the Beer Garden. In response, Aeronaut purchased additional chairs for guests. Long lines during the first event led them to increase staffing, add stanchions to manage queues, and a reconfiguration of their service tent and point-of-sale operations to expedite the lines. Additional signage to promote local businesses and attractions was added by the Town both within and outside of Whittemore Park to direct patrons to local businesses.

The successful Respondent will address the challenges in a creative and attractive way and fulfill the following responsibilities:

- Be flexible and collaborate with the Town and third-parties to manage the space and accommodate the many events that occur in Arlington Center;
- Apply for all necessary permits with the Town;
- Provide upfront investment and ongoing operating costs for the Beer Garden;
- Provide, maintain, store, and secure all necessary Beer Garden facilities and equipment off-site or within a 20'x10' shipping container space on or near the site (the successful Respondent will be responsible for the cost of the container including wrapping or co-branding);
- Remove/store infrastructure at the close of the Beer Garden each day, including Beer Garden facilities and equipment. Bike racks may be left on-site in specific, agreed-upon locations in or near Whittemore Park (noted in 2018 site layout) that will not interfere with the other activities in Arlington Center;
- Clean the site daily, including trash/recycling removal;
- Ensure the Beer Garden functions in a manner compliant with appropriate codes, laws, and regulations;
- Provide security, staffing, and management of the Beer Garden during operating hours; and
- Comply with Town Bylaws.

#### F. OVERVIEW OF RFP PROCESS AND KEY DATES

Responses to this RFP are due Wednesday, March 13, 2018 at 4pm. The Town will review responses, conduct interviews, award a contract, and the Whittemore Park Pop-Up Beer Garden will open in June 2019.

2019 Beer Garden RFP Schedule:

Friday, February 22, 2019: RFP emailed out and posted on the Town website

Friday, March 1, 2019, 11 am: Any clarifying RFP questions due via email

Monday, March 4, 2019, 4pm: Answers posted on Town website

Wednesday, March 13, 2019, 4pm: RFP submissions due

March 28, 2019 – April 5, 2019: Interviews and evaluations

Final notifications to vendors by mid-April 2019

Whittemore Park Pop-Up Beer Garden Opens June 1, 2019.

#### G. RESPONDENT QUALIFICATIONS

At a minimum, the Respondent must meet the following requirements:

1. The firm/team must have previous experience in similar projects. Successful completion of a minimum of three (3) such projects within the last five (5) years is required, and completion of five (5) overall is desired.
2. The principal and project manager to be assigned to this project must be available for meetings with the Town on days or evenings, as required.
3. The firm/team must meet the minimum qualifying permit fee amount of \$1,500.

#### H. SELECTION CRITERIA

The Town will award the contract to the Respondent offering the most advantageous response to this RFP, taking into consideration all evaluation criteria. The selection process will include an evaluation procedure based on the criteria identified below. Finalists will be required to appear for an interview.

Interviews with select candidates will be based on a compelling vision to make the Beer Garden an innovative, distinctive, welcoming, and sustainable destination; streamlined and flexible operations; relevant past experience; attractive infrastructure; excellent hospitality; and a well-produced marketing plan. Preference may be given to Respondents who have a successful track record of hosting public events in Arlington and in surrounding communities.

1. Staffing Plan and Methodology, including the professional qualifications of all project personnel with particular attention to training, professional certification or registration, and professional experience. Demonstrated expertise and experience of the Project Manager and other key personnel, including professional registration and their qualifications.

***Highly Advantageous:*** The plan of services proposes a detailed, logical, creative, and highly efficient scheme for producing a beer garden series that addresses all goals and priorities of this project and meets all the minimum applicant qualifications detailed in Section G, “Respondent Qualifications”.

***Advantageous:*** The plan of services proposes a credible scheme for producing a complete project that addresses all of the required issues and meets all the minimum applicant qualifications detailed in Section G, “Respondent Qualifications.”

**Not Advantageous:** The plan of services is not sufficiently detailed to fully evaluate, or the plan does not contain all the components necessary to produce a complete project that addresses all of the required issues and meets all the minimum applicant qualifications detailed in Section G, "Respondent Qualifications."

**Unacceptable:** The plan of services does not meet all the minimum applicant qualifications detailed in Section G, "Respondent Qualifications."

2. Depth of experience with similar projects, and prior experience with hosting beer gardens.

**Highly Advantageous:** The Respondent has at least five (5) years of experience in outdoor event management, specifically events that include alcohol service. The Respondent can demonstrate the successful completion of five (5) similar projects within the last five (5) years.

**Advantageous:** The Respondent has at least three (3) years of experience in outdoor event management, specifically events that include alcohol service. The Respondent can demonstrate the successful completion of three (3) similar projects within the last three (3) years.

**Not Advantageous:** The Respondent has less than three (3) years of experience but more than one (1) year in outdoor event management, specifically events that include alcohol service. The Respondent can demonstrate the successful completion of two (2) similar projects within the last two (2) years.

**Unacceptable:** The Respondent has less than one (1) year of experience in outdoor event management, specifically events that include alcohol service. The Respondent cannot demonstrate the successful completion of similar projects.

3. Desirability of approach to the project, as well as a demonstrated understanding of all project components and public outreach needs.

**Highly Advantageous:** The response contains a clear, creative, and comprehensive plan that addresses all project Goals and Priorities as stated in the RFP.

**Advantageous:** The response contains a clear plan that addresses most of the project Goals and Priorities as stated in the RFP.

**Not Advantageous:** The response does not contain a clear plan to address many of the project Goals and Priorities as stated in the RFP.

**Unacceptable:** The response does not contain any plan to address the project objectives stated in the RFP.

## I. SUBMITTAL REQUIREMENTS

Responses to the RFP are due by Wednesday, March 13, 2019, 4pm. One paper copy of the proposal is required; facsimile and/or emailed responses will not be accepted. All responses should be submitted to:

Adam W. Chapdelaine  
Town Manager  
Town of Arlington

730 Massachusetts Avenue  
Arlington, MA 02476

DRAFT



## **Town of Arlington, Massachusetts**

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**Vote: Special Town Meeting, April 29, 2019**

**Summary:**

Adam W. Chapdelaine, Town Manager



## Town of Arlington, Massachusetts

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### For Approval: Opening of Special Town Meeting Warrant

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	Opening_of_Warrant_Special_Town_Meeting_4.29.19.pdf	Opening of Warrant for STM

## OFFICE OF THE SELECT BOARD

DANIEL J. DUNN, CHAIR  
DIANE M. MAHON, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
CLARISSA ROWE



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

### OPENING OF WARRANT FOR SPECIAL TOWN MEETING

**April 29, 2019**

At their meeting of Monday, February 25, 2019 the Select Board voted to open the Warrant for a Special Town Meeting. The Special Town Meeting will take place on Monday, April 29, 2019 at 8:00 p.m. in the Arlington Town Hall. The Warrant will open Thursday, March 7, 2019 at 8:00 a.m. and will remain open until 7:00 p.m.

**SELECT BOARD**

**OF THE**

**TOWN**

**OF**

**ARLINGTON**

A true copy.

Attest:

\_\_\_\_\_  
Constable, Town of Arlington

Date: \_\_\_\_\_



## Town of Arlington, Massachusetts

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### Discussion: Future Select Board Meetings, April 2019

#### ATTACHMENTS:

Type	File Name	Description
❑ Reference Material	April_2019_Calendar.pdf	April Calendar

# April 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b> 6 ANNUAL TOWN ELECTION	
<b>7</b>	<b>8</b> SELECT BOARD MEETING 7:15 P.M.	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
<b>14</b> PATRIOTS' DAY PARADE	<b>15</b> PATRIOTS' DAY	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b> GOOD FRIDAY	<b>20</b>
		TOWN HALL CLOSED			TOWN HALL CLOSED	
<b>21</b> HAPPY EASTER	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
<b>28</b>	<b>29</b>	<b>30</b>				



## Town of Arlington, Massachusetts

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### Articles for Review:

#### Summary:

- Article 31 Bylaw Amendment/Rename Community Preservation Committee
- Article 32 Bylaw Amendment/Tree Protection and Preservation
- Article 33 Bylaw Amendment/Notice of Demolition (tabled from 2/11/19 meeting)
- Article 36 Vote/Election Modernization Study Group
- Article 37 Vote/Remove Police Chief From Civil Service
- Article 42 Home Rule Legislation/Town Treasurer
- Article 46 Acceptance of Legislation/Establishment of a Commission on Disabilities Fund
- Article 47 Acceptance of Legislation/PEG Access Fund

### ATTACHMENTS:

Type	File Name	Description
Reference Material	Warrant_Article_Text_2.25.19.docx	Warrant Article Text
Reference Material	2.25.19_mtg._W.A._#_31_32_33_36_37_42_46_47.docx	Town Counsel Comments, W.A. # 31,32,33,36,37,42,46,47
Reference Material	Town_Counsel_Reference_Materials.pdf	Town Counsel Additional Reference W.A. # 31, 32, 33, 37, 42, 46, 47
Reference Material	Letter_to_10_Registered_Voters_Articles_#33_#36.pdf	Letter to 10 Registered Voter Articles #33, #36
Reference Material	Memorandum_Select_Bd_mtg_2-25-19_Tree_Bylaw_Art_32_corrected.docx	W.A.#32 Tree Committee Memo to Board
Reference Material	2016_original_tree_bylaw_and_2018_amendment.pdf	W.A #32 Tree Committee Comments

**ARTICLE 31****BYLAW AMENDMENT/RENAME COMMUNITY  
PRESERVATION COMMITTEE**

To see if the Town will vote to amend the Town Bylaws to rename the Community Preservation Committee; or take any action related thereto.

(Inserted at the request of the Community Preservation Committee)

**ARTICLE 32****BYLAW AMENDMENT/TREE PROTECTION  
AND PRESERVATION**

To see if the Town will vote to amend the Town Bylaws, Title V Regulations Upon the Use of Private Property, Article 16: Tree Protection and Preservation to: amend the definition of Protected Trees so as to include smaller trees (in diameter at breast height or “DBH”), and amend the definition of tree removal so as to include intentional or unintentional damage to Protected Trees during and construction which results in the death of Protected Trees; amend requirements of tree plans to further require identification of public shade and/or street trees and critical root zones of Protected Trees; remove the option to mitigate loss of Protected Trees by planting of replacement trees; and further detail the Select Board’s authority to establish rules and regulations to administer the bylaw for the purposes of carrying out the intent of this bylaw, including but not limited to review and approval of tree plans, and presiding over enforcement actions as necessary; or take any action related thereto.

(Inserted at the request of the Tree Committee)

**ARTICLE 33****BYLAW AMENDMENT/NOTICE OF DEMOLITION**

To see if the Town will vote to amend the Town Bylaws to include trees subject to the Tree Protection and Preservation Bylaw as requiring a notice of demolition by amending TITLE VI, BUILDING REGULATIONS, ARTICLE 7, NOTICE OF DEMOLITION to include reference to the removal of trees subject to the Tree Protection and Preservation Bylaw in paragraphs A and B; or take any action related thereto.

(Inserted at the request of Elizabeth Pyle and ten registered voters)

**ARTICLE 36****VOTE/ELECTION MODERNIZATION STUDY GROUP**

To see if the Town will vote to establish a study group to examine ways of modernizing the Town’s electoral system and make recommendations to the Town Clerk, the Select Board, and Town Meeting, including, but not limited to, voter registration practices, early voting practices, non-citizen voting, and ranked choice voting at the next Annual Town Meeting; or take any action related thereto.

(Inserted at the request of Christa Kelleher and ten registered voters)

**ARTICLE 37****VOTE/REMOVE POLICE CHIEF FROM CIVILSERVICE**

To see if the Town will vote to remove the position of Chief of Police from Civil Service in the Town of Arlington including taking all necessary measures to effectuate such a vote; or take any action related thereto.

(Inserted at the request of the Town Manager)

**ARTICLE 42****HOME RULE LEGISLATION/TOWN TREASURER**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to update the Town Manager Act to reflect the transition of the Treasurer's Office from an elected to appointed position; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 46****ACCEPTANCE OF LEGISLATION/ESTABLISHMENT OF A COMMISSION ON DISABILITIES FUND**

To see if the Town will vote to accept provisions of Mass General Law 40, Section 22G regarding allocating all funds received from fines assessed for violations of handicap parking to the Arlington Commission on Disabilities. Funds so received shall be deposited by the city or Town Treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the Commission of Disabilities in accordance with the accepted procedures of the Town for the disbursement of funds, including the approval of the Town Manager or Select Board. The Town Treasurer shall submit annually a report of said account to the Town Manager or Select Board for review and a copy of said report shall be forwarded to the Bureau of Accounts; or take any action related thereto.

(Inserted at the request of the Commission on Disabilities)

**ARTICLE 47****ACCEPTANCE OF LEGISLATION/PEG ACCESS FUND**

To see if the Town will vote to establish a Cable Access Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53F $\frac{3}{4}$ , said fund to be funded by fees received pursuant to the Town's cable franchise agreements, and furthermore, to transfer all funds currently held by the Town for the purpose of cable PEG access operations to said fund, said transfer to be effective upon passage of this article; or take any action related thereto.

(Inserted at the request of the Town Manager)



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

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To: Select Board

Cc: Adam Chapdelaine, Town Manager  
John Leone, Town Moderator  
Jennifer Raitt, Planning Director  
Arlington Tree Committee  
Resident Petitioners

From: Douglas W. Heim, Town Counsel

Date: February 21, 2019

Re: Annual Town Meeting Warrant Articles: 31, 32, 33, 36, 37, 42, 46, and 47

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I write to provide the Board a summary of the above-referenced 2019 Annual Town Meeting warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on February 25, 2019. As the Board will recall, where draft motions appear, new or additional language is underscored, while removed language is provided in "strikethrough."

## ARTICLE 31

### BYLAW AMENDMENT/RENAME COMMUNITY PRESERVATION COMMITTEE

**To see if the Town will vote to amend the Town Bylaws to rename the Community Preservation Committee; or take any action related thereto.**

(Inserted at the request of the Community Preservation Committee)

The purpose of this straightforward article is to rebrand the Community Preservation Committee in the interests of better highlighting the Committee's work and avoiding confusion with the Capital Planning Committee, both of which of course are abbreviated as "CPC." I expect representatives of the Committee will provide the Board their proposed new name. Permit me to note that G.L. c. 44B sec. 5 requires all CPA communities to have a "community preservation committee." However, such a requirement does not signify that Arlington's committee cannot be named something distinctive in its own bylaws. Moreover, any concern is easily managed by some form of the following inserted within Title II, Article 12 of the Town Bylaws:

The \_\_\_\_\_ Committee shall serve all functions of a "community preservation committee" as defined and required by M.G.L. c. 44B.

## ARTICLE 32

### BYLAW AMENDMENT/TREE PROTECTION AND PRESERVATION

**To see if the Town will vote to amend the Town Bylaws, Title V Regulations Upon the Use of Private Property, Article 16: Tree Protection and Preservation to: amend the definition of Protected Trees so as to include smaller trees (in diameter at breast height or "DBH"), and amend the definition of tree removal so as to include intentional or unintentional damage to Protected Trees during and construction which results in the death of Protected Trees; amend requirements of tree plans to further require identification of public shade and/or street trees and critical root zones of Protected Trees; remove the option to mitigate loss of Protected Trees by planting of replacement trees; and further detail the Select Board's authority to establish rules and regulations to administer the bylaw for the purposes of carrying out the intent of this bylaw, including but not limited to review and approval of tree plans, and presiding over enforcement actions as necessary; or take any action related thereto.**

While I expect representatives of the Tree Committee to present the reasons and full scope of the changes requested to the Tree Protection and Preservation Bylaw, my understanding

is that the current bylaw continues to be insufficient to protect the Town's tree canopy. Specifically, the Committee proposes to:

1. Increase the number of protected trees by changing the minimum size of trees subject to protections from 10 DBH (diameter breast height) to 8 DBH;
2. Remove the mitigation option which invites property owners and developers to plant their own replacement trees because such trees are often inadequately planted or cared for such that they fail to thrive;
3. Require additional information on already requisite Tree Plans, including representing public shade trees and detailing how critical root zones of "protected trees" will be protected from fatal damage during construction;
4. Refine the definition of tree removal such that trees which are intentionally or unintentionally fatally harmed without being cut down are covered by the bylaw; and
5. Explicitly and transparently empower the Select Board to promulgate regulations necessary to achieve the intent of the bylaw.

If the Board is inclined to support the Article, a motion to amend the current bylaw would be substantially as follows:

*VOTED: That Title V, Article 16, sections 2.A, 4.C, and 6 be and hereby are amended as follows:*

*ARTICLE 16*  
*TREE PROTECTION AND PRESERVATION*

*Section 2. Definitions*

*A. The following definitions shall apply to this By-law:*

*"Protected Tree" - Any existing healthy tree on private land with a DBH of ten (10) eight (8) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.*

*"Tree Plan" - A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas, public shade trees on the property, and indicating, on the site plan or in a separate document, which Protected Trees will be retained, which will be removed, and, how critical root zones of each protected tree and public shade tree will be protected from damage during site work ~~as to Protected Trees which will be removed, as well as whether mitigation will be by replacement on the property or by payment into the Tree Fund;~~*

*“Tree Removal” - The cutting down or effective destruction during demolition or construction activities of a tree intentional or unintentionally.*

#### *Section 4. Procedures and Requirements for the Preservation of Trees*

C. *For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a payment made to the Tree Fund in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public, prior to the commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.*

#### *Section 6. Administration*

*The Select Board shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations necessary to effectuate the purposes of this bylaw, including, but not limited to further definitions, tree plan requirements, and procedures. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.*

## **ARTICLE 33**

## **BYLAW AMENDMENT/NOTICE OF DEMOLITION**

**To see if the Town will vote to amend the Town Bylaws to include trees subject to the Tree Protection and Preservation Bylaw as requiring a notice of demolition by amending TITLE VI, BUILDING REGULATIONS, ARTICLE 7, NOTICE OF DEMOLITION to include reference to the removal of trees subject to the Tree Protection and Preservation Bylaw in paragraphs A and B.**

This resident petition article from Ms. Elizabeth Pyle follows a recommendation of the Residential Study Group to add to the categories of activities which prompt the notice requirements of the Town’s Notice of Demolition Bylaw (Title VI, Article 7), and as such will be presented by this Office and the Manager with a supporting memorandum from the Planning Department.

As the Board will recall, the 2017 Town Meeting amended the Bylaws to expand the categories of activities subject to a Notice of Demolition (alternately known as a “Residential Construction Notification” or “Good Neighbor Agreement”). These notifications are intended to foster communications between neighboring residents and parties engaged in significant

residential construction activities, including foundation excavations, demolitions, and new construction for a variety of substantive purposes including quality site management, noise abatement, etc. One activity that involves similar substantive concerns – noise, site management, compliance with other bylaws, but is outside the scope of the present notice bylaw is clear-cutting lots of trees prior to new construction commencing. A separate bylaw provision, Title V, Article 16: Tree Protection and Preservation, applies to such activities, but does not require a notice.

The Notice of Demolition bylaw requires that abutters and occupants within 200 feet of an appropriate project site be provided certain information by owners or their agents in advance of commencing construction activities covered by the bylaw. The notice must include, among other things, contact information for a developer or contractor, a site plan, and information about the anticipated work schedule and other features of the project. For example, presumably a “notice of demolition” involving Protected Trees would include any Tree Plan submitted pursuant to the Tree Protection Bylaw.

Were the Board inclined to support favorable action on this Article, a motion would appear along the lines of the follow:

*VOTED: That Title VI, Article 7 (“Notice of Demolition”) of the Town Bylaws be and hereby is amended to add “Protected Tree Removal” to the categories of activities requiring notice to abutters, as follows:*

***NOTICE OF DEMOLITION, OPEN FOUNDATION  
EXCAVATION, PROTECTED TREE REMOVAL,  
NEW CONSTRUCTION, OR LARGE ADDITIONS***

*A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, remove protected trees in advance of new residential construction, or build a large addition must at least seven (7) calendar days prior to the commencement of any site work (including demolition, tree removal, or open foundation excavation), or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier, give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction, or open foundation excavation can commence.*

*B. The notice required herein shall, at a minimum, contain contact information for the developer or contractor, a site plan and/or tree plan for any applicable residential demolition, open foundation excavation, protected tree removal, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.*

*C. “Demolition” shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.*

*“Open foundation excavation” shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.*

*“Large additions” shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.*

*“Protected tree removal” shall be defined as removal of “Protected Trees” as defined in Title V Article 16 (“Tree Protection and Preservation”), Section 2.A and set forth in Title V Article 16, Section 3.A(3).*

*D. Prior to issuance of a demolition or building permit, or commencing an open foundation excavation or protected tree removal the applicant shall demonstrate to the satisfaction of the Inspector of Buildings (or the Tree Warden in the case of protected tree removal prior to new residential construction) that they have given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.*

*E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.*

## **ARTICLE 36**

## **VOTE/ELECTION MODERNIZATION STUDY GROUP**

**To see if the Town will vote to establish a study group to examine ways of modernizing the Town’s electoral system and make recommendations to the Town Clerk, the Select Board, and Town Meeting, including, but not limited to, voter registration practices, early voting practices, non-citizen voting, and ranked choice voting at the next Annual Town Meeting; or take any action related thereto.**

(Inserted at the request of Christa Kelleher and ten registered voters)

This 10-registered voter article seeks to organize a study group by Town Meeting vote to examine and make recommendations on a variety of Town voting and election matters, including, but not limited to the Town's voter registration and early voting practices, in part in recognition of the wider policy choices afforded cities and towns by the Commonwealth. While I anticipate Ms. Kelleher and others will provide the Board with additional information, it is my understanding that members of the Board share an interest in garnering a better understanding of options, logistics, and limitations upon expanding voter access at the polls in Arlington.

## ARTICLE 37

## VOTE/REMOVE POLICE CHIEF FROM CIVILSERVICE

**To see if the Town will vote to remove the position of Chief of Police from Civil Service in the Town of Arlington including taking all necessary measures to effectuate such a vote; or take any action related thereto.**

(Inserted at the request of the Town Manager)

This article proposes to have Town Meeting vote to remove the Police Chief position from civil service. As the Board knows, civil service in Massachusetts provides and requires certain procedures and criteria for hiring, promotion, and termination of civil service classified positions. Chapter 19 of the Revised Laws, sec. 37<sup>1</sup> provided the mechanism for Arlington to classify its police chief (and police force) as a civil service position(s), and the 1911 Town Meeting (or 1912) voted to do so.<sup>2</sup> See Reference Materials attached hereto for excerpts of relevant legislative history.

Given that the police chief entered civil service by vote of Town Meeting, a vote of Town Meeting is the only mechanism for removing said position from civil service. Without any comment on the merits of civil service removal, should the Board be inclined to move favorable action, a vote to such effect would be as follows:

*VOTED: That the Town of Arlington hereby removes the position of 'Chief of Police' of the Arlington Police Department from civil service, thereby divesting said position from all the rights and obligations set forth in G.L. c. 31 and its civil service predecessors in law including,*

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<sup>1</sup> "Revised Laws" are collections of acts predating the general laws as revised by subsequent legislative acts. The earliest civil service laws in Massachusetts are codified therein, but began in the late 1800s.

<sup>2</sup> Town Human Resources records reflect that "Police" were entered into civil service on March 6, 1911, the "Police Chief" subsequently on March 4, 1912, and "all other" Police employees in 1943. Examination of the votes of the 1911 Town Meeting suggest the chief position was indeed added in 1911, but in either case, the chief position has been in civil service since 1912 at the latest.

*but not limited to c. 19 of the Revised Laws and c. 320 of the Acts of 1884. This vote has no effect on the civil service status of any other Town of Arlington employee.*

## **ARTICLE 42**

## **HOME RULE LEGISLATION/TOWN TREASURER**

**To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to update the Town Manager Act to reflect the transition of the Treasurer's Office from an elected to appointed position; or take any action related thereto.**

**(Inserted by the Select Board)**

This article is inserted at your request in the interests of bringing the Town Manager Act up to date with the conversion of the Town Treasurer from an elected to an appointed office. Modifications to the Town Bylaws to the same effect were recently acted upon positively by Special Town Meeting and await Attorney General approval. The three primary areas of the Town Manager Act which require updates are:

- Section 8, which lists the Treasurer as an elected office along with the Select Board, Board of Assessors, and Town Clerk;
- Section 15(a), which includes the Treasurer among those offices which are not supervised by the Manager; and
- Section 15(c), which provides for the manner of appointment of Town officers and employees by the Town Manager.

Sections 8 and 15(a) require straightforward administrative changes. An amended Section 15(c) could provide for appointment of a Treasurer in the same manner as the recent changes to the Town Comptroller appointment process, wherein the Comptroller is hired and terminated by the Manager, but upon the consent of the Select Board. If the Board were inclined to similarly afford the Select Board a role in the Treasurer appointment process and/or some level of insulation for the Treasurer, a new section of the Manager Act could read as follows:<sup>3</sup>

*The town manager shall also appoint upon merit and fitness alone, the Town's Treasurer subject to the approval of the Select Board. Appointment of the Treasurer shall become effective upon the approval of the Select Board. If the Select Board fails to act by approving, rejecting, or requesting additional reasonable time to consider a candidate however, appointment shall become effective on the thirtieth day following the day on*

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<sup>3</sup> Alternatively, Section 15(c) could be amended to add the Treasurer as a position utilizing the same process.

*which notice of the proposed appointment is filed with the Board. For the purposes of this section, notice of appointment shall be considered filed with the board when such notice is filed at an open meeting of the Select Board.*

*The Treasurer may be removed by the town manager subject to the approval of the Select Board. Removal of the Treasurer shall become effective upon approval of the Select Board. If the Select Board shall fail to act, by approving, rejecting, or requesting additional reasonable time to consider a termination however, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal is filed with the Select Board. For the purposes of this section, notice of removal shall be considered filed with the Board when such notice is filed at an open meeting of the Select Board. Nothing in this paragraph shall supersede or abridge the Treasurer's employment rights afforded by state law.*

*Notwithstanding the foregoing section (c), the Treasurer shall be authorized to report directly to the Chairperson of the Select Board, or any Member of the Board, on any matter in the Town at any time, without the necessity of prior approval from the Town manager or any other official.*

## **ARTICLE 46**

### **ACCEPTANCE OF LEGISLATION/ESTABLISHMENT OF A COMMISSION ON DISABILITIES FUND**

**To see if the Town will vote to accept provisions of Mass General Law 40, Section 22G regarding allocating all funds received from fines assessed for violations of handicap parking to the Arlington Commission on Disabilities. Funds so received shall be deposited by the city or Town Treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the Commission of Disabilities in accordance with the accepted procedures of the Town for the disbursement of funds, including the approval of the Town Manager or Select Board. The Town Treasurer shall submit annually a report of said account to the Town Manager or Select Board for review and a copy of said report shall be forwarded to the Bureau of Accounts; or take any action related thereto.**

**(Inserted at the request of the Commission on Disabilities)**

In 1993 the Town voted to establish a Disability Commission by special act (rather than by adoption of G.L. c. 40 sec. 8J). However, the Town has yet to vote to adopt G.L. c. 40 sec. 22G, which allows a Disability Commission to receive the proceeds of fines associated with violations of handicap parking rules and apply such funds directly the benefit of disability programs without requiring specific appropriation by Town Meeting. If adopted, such expenditures must still be approved by the Town Manager or Select Board and reported annually.

Should the Board be inclined towards positive action, a recommended vote would be substantially as follows:

*VOTED: That the Town hereby accepts G.L. c. 40 sec. 22G and establishes a dedicated fund for fines assessed for violations of handicap parking in the Town of Arlington; such funds to be expended as recommended by the Arlington Commission on Disabilities upon the approval of the Town Manager/Select Board.*

## **ARTICLE 47**

## **ACCEPTANCE OF LEGISLATION/PEG ACCESS FUND**

**To see if the Town will vote to establish a Cable Access Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53F<sup>3/4</sup> , said fund to be funded by fees received pursuant to the Town's cable franchise agreements, and furthermore, to transfer all funds currently held by the Town for the purpose of cable PEG access operations to said fund, said transfer to be effective upon passage of this article; or take any action related thereto.**

(Inserted at the request of the Town Manager)

The Massachusetts' Enterprise Fund Law (G.L. c. 44) now requires the Town to establish a dedicated Cable Access Fund for its PEG Access provider (ACMI) in order to avoid having cable franchise fees and related revenues deposited into the general fund. The most effective option for Arlington is to reserve the franchise fees and other cable related revenues for appropriation by accepting G.L. c. 44, § 53F<sup>3/4</sup> and establishing a PEG Access and Cable Related Fund. A vote to adopt c. G.L. c. 44, § 53F<sup>3/4</sup> would be as follows:

*VOTED: That the Town hereby accepts General Laws Chapter 44, Section 53F<sup>3/4</sup>, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2020 which begins on July 1, 2019.*

I look forward to discussing these articles further at hearing with the Board.

## **WARRANT ARTICLE HEARING REFERENCE MATERIALS**

### **ARTICLE 31**

#### **M.G.L. c. 44B sec. 5**

Section 5: Community preservation committee; members; recommendations

Section 5. (a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

### **Arlington Town Bylaws**

#### **TITLE II: ARTICLE 12 (*Relevant Parts*) COMMUNITY PRESERVATION COMMITTEE (ART. 11 - ATM - 04/29/15)**

##### **Section 1. Establishment and Membership**

- a. There is hereby established a Community Preservation Committee consisting of a total of nine (9) members pursuant to G.L. c. 44B section 5. The membership shall be composed of one member of the Conservation Commission as designated by such Commission, one member of the Historical Commission as designated by such Commission, one member of the Arlington Redevelopment Board (which serves as the Town's Planning Board) as designated by such Board, one member of the Park and Recreation Commission as designated by such Commission, one member of the Arlington Housing Authority as designated by such authority, and four (4) at-large members appointed by a joint vote of approval by the Select Board and the Town Manager as follows below in Section 1(b).

## **ARTICLE 32**

### **Arlington Town Bylaws**

#### **ARTICLE 16 TREE PROTECTION AND PRESERVATION (ART. 22, ATM - 05/02/16)(ART. 14, ATM - 04/23/18)**

##### **Section 1. Findings and Purpose**

The Town of Arlington finds that preservation of the tree canopy and planting of replacement trees is essential to preserving the character and aesthetic appearance of the Town and maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and storm water runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors.

##### **Section 2. Definitions**

A. The following definitions shall apply to this By-law:

"Building Footprint" - Outline the total area covered by a building's perimeter at ground level.

"Caliper" - Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

"DBH (Diameter at Breast Height)" - Diameter of a tree trunk measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the aggregate diameters of the multiple trunks at a height of four and a half (4 1/2) feet above ground.

"Demolition" - Any act of destroying, pulling down, removing or razing a building or commencing the work of total or substantial destruction of a building.

"Protected Tree" - Any existing healthy tree on private land with a DBH of ten (10) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.

"Setback Area" - The Portion of the property which constitutes the minimum depth of side, rear and front yards as per the Zoning Bylaw of the Town of Arlington.

"Tree Fund" - An existing Town account established for the purpose of buying, planting, and maintaining trees in the Town which may receive deposit of contributions in lieu of planting new trees by property owners and fines collected under this By-law.

"Tree Plan" - A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas and indicating, on the site plan or in a separate document, which

Protected Trees will be retained, which will be removed, and, as to Protected Trees which will be removed, whether mitigation will be by replacement on the property or by payment into the Tree Fund.

"Tree Removal" - The cutting down of a tree.

"Tree Warden" - The Tree Warden or his/her designee.

B. Additional definitions may be provided in rules and regulations approved by the Select Board where consistent with intent and efficient execution of this By-law.

### Section 3. Applicability

A. The requirements of this By-law and all applicable rules and regulations apply to the following Circumstances:

- (1) Proposed demolition of an existing residential or non-residential structure;
- (2) Proposed construction on a developed lot which would result in an increase of 50 percent or more of the total building footprint of the new structure(s) when compared to the total footprint of pre-existing structures; or
- (3) Proposed construction of any scope on a lot with no residential or non-residential structure on it.

B. Sites under the jurisdiction of the Arlington Redevelopment Board ("ARB") or the ARB as the Planning Board, the Zoning Board of Appeals, or the Conservation Commission pursuant to Arlington's Wetlands Protection By-law (Title V, Article 8) may waive the requirements of this By-law in full or in part where such waiver serves the interest of the community and the reasons therefore are memorialized by such bodies.

C. The requirements of this By-law shall not apply to trees defined as Public Shade Trees under G.L. c.87 § 1.

### Section 4. Procedures and Requirements for the Preservation of Trees

A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.

B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree

Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C

- C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a payment made to the Tree Fund in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public, prior to the commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.
- D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.
- E. An Owner aggrieved of the Tree Warden's determination on a Tree Plan, or with respect to the need for such a plan, may appeal such determinations to the Select Board at a public hearing. A written decision on such appeals shall be rendered with 14 business days of the close of such hearing(s).

#### **Section 5. Enforcement and Fines**

- A. Following a determination of violation by the Tree Warden, an owner shall be subject to fines for the activities listed below, to be paid into the Tree Fund, said fines to be set forth in rules and regulations issued by the Select Board.

Said activities are:

  - (1) Removal of a Protected Tree on an applicable site without prior written approval of commencement of work per Section 4.D, \$300 per day of work. There shall also be a fine for each Protected Tree removed.
  - (2) Removal of a Protected Tree which is not identified for removal in the Tree Plan. There shall be a fine for each Protected Tree removed, \$300.
  - (3) Failure to mitigate tree removal within the time set forth in Section 4.C of this By-Law. There shall be a fine of \$300 for each day until mitigation is achieved.
- B. Wherever there is reasonable cause to believe that an owner or their agent willfully violates this By-Law or an approved Tree Plan, the Town may institute a civil action for injunctive relief in a court of competent jurisdiction ordering appropriate parties to correct a condition in violation, or to cease an unlawful use of the property.
- C. An owner aggrieved of the Tree Warden's determination of violation(s) may appeal such determination(s) to the Select Board at a public hearing.

## **Section 6. Administration**

The Select Board shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.

## **Section 7. Severability Clause**

If any provision of this By-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-law shall not be affected thereby.

## **Section 8. Relationship to Other Laws**

Nothing in this By-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Arlington By-laws or laws of the Commonwealth of Massachusetts.

# **ARTICLE 33**

## **Arlington Town Bylaws**

### **TITLE VI, ARTICLE 7: NOTICE OF DEMOLITION** (ART. 20 ATM, 04/27/05)(ART. 11, ATM - 04/24/17)

A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, or build a large addition must at least seven (7) calendar days prior to the commencement of any site work (including demolition or open foundation excavation), or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction, or open foundation excavation can commence.

B. The notice required herein shall, at a minimum, contain contact information for the developer or contractor, a site plan for any applicable residential demolition, open foundation excavation, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.

C. "Demolition" shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

“Open foundation excavation” shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

“Large additions” shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

D. Prior to issuance of a demolition or building permit, or commencing an open foundation excavation the applicant shall demonstrate to the satisfaction of the Inspector of Buildings that he or she has given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.

E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.

## **TITLE V, ARTICLE 16: TREE PRESERVATION AND PROTECTION**

**(Relevant Sections)**

**ART. 22, ATM - 05/02/16, ART. 14 2018 ATM**

### **Section 3. Applicability**

A. The requirements of this By-law and all applicable rules and regulations apply to the following Circumstances:

- (1) Proposed demolition of an existing residential or non-residential structure;
- (2) Proposed construction on a developed lot which would result in an increase of 50 percent or more of the total building footprint of the new structure(s) when compared to the total footprint of pre-existing structures; or
- (3) Proposed construction of any scope on a lot with no residential or non-residential structure on it.

B. Sites under the jurisdiction of the Arlington Redevelopment Board ("ARB") or the ARB as the Planning Board, the Zoning Board of Appeals, or the Conservation Commission pursuant to Arlington's Wetlands Protection By-law (Title V, Article 8) may waive the requirements of this By-law in full or in part where such waiver serves the interest of the community and the reasons therefore are memorialized by such bodies.

C. The requirements of this By-law shall not apply to trees defined as Public Shade Trees under G.L. c.87 § 1.

#### **Section 4. Procedures and Requirements for the Preservation of Trees**

A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.

B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C

C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a payment made to the Tree Fund prior to commencement, in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees, prior to commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.

D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.

#### **ARTICLE 37**

**Chapter 19 of the Revised Laws**

**Chapter 78 of the Acts of 1901**

**Arlington Human Resources Civil Service Records**

**(See Attached)**

## CHAPTER 19.

## OF THE CIVIL SERVICE.

SECTIONS 1-5. — Civil Service Commission and Officers.

SECTIONS 6-9. — Rules.

SECTIONS 10, 11. — Special Provisions applicable to Boston.

SECTION 12. — Applications.

SECTIONS 13-15. — Examinations and Lists.

SECTIONS 16-19. — Appointments.

SECTIONS 20-25. — Veterans' Preference.

SECTIONS 26-33. — Corrupt Practices.

SECTIONS 34-37. — General Provisions.

## CIVIL SERVICE COMMISSION AND OFFICERS.

Civil service  
commission.  
1884, 320, § 1.  
1886 Mass. 683.

SECTION 1. The governor shall annually, in May or June, with the advice and consent of the council, appoint a civil service commissioner for a term of three years from the first Monday of July following. All appointments shall be so made that not more than two commissioners shall at the time of any appointment be members of the same political party. Each commissioner shall be paid five dollars for each day's service and his travelling and other expenses incurred in the performance of his official duties.

Chief examiner,  
secretary,  
etc.  
1884, 320, § 20.  
1888, 41.  
1889, 177, 341.  
1893, 376.  
(10 p. A. G.  
382.)

SECTION 2. The commissioners may appoint a chief examiner, who, under their direction, shall superintend any examination held under the provisions of this chapter and perform such other duties as they may prescribe. He shall receive an annual salary of three thousand dollars, and travelling expenses incurred in the performance of his official duties. They may appoint a secretary who shall receive an annual salary of two thousand dollars. They may appoint a registrar of labor, who shall, under their direction, supervise the administration of civil service rules applicable to the public labor service of the commonwealth or of any city thereof. He shall receive an annual salary of two thousand dollars, and his travelling expenses. They may incur other expenses not exceeding the annual appropriation therefor.

Witnesses and  
testimony.  
1891, 140.

SECTION 3. The commissioners or any of them, in an investigation by them, may summon witnesses, administer oaths and take testimony. The fees of such witnesses shall be the same as for witnesses before the superior court, and shall be paid from the appropriation for the incidental expenses of the commissioners.

Examiners.  
1884, 320, § 20.

SECTION 4. They may designate persons in the official service of the commonwealth or of any city or of any town wherein this chapter is in force, who shall, with the consent of the head of department or office in which any such person serves, act as examiners of applicants for public employment. But no person shall serve as such examiner when any relative or connection by marriage, within the degree of first cousin, shall be an applicant.

1 SECTION 5. They shall keep records of their proceedings and  
 2 of examinations made by them or under their authority. Recom-  
 3 mendations of applicants received by them or by any officer author-  
 4 ized to make appointments or to employ laborers or others, within  
 5 the scope of such rules, shall be preserved. Such records and  
 6 recommendations shall, under regulations approved by the governor  
 7 and council, be open to public inspection. The commissioners  
 8 shall from time to time suggest to the general court appropriate  
 9 legislation for the administration and improvement of the civil  
 10 service and shall annually before the tenth day of January make  
 11 a report which shall contain any rules adopted under the provisions  
 12 of this chapter.

Records and  
annual report.  
1884, 320, § 2.  
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## RULES.

1 SECTION 6. The commissioners shall from time to time prepare  
 2 rules regulating the selection of persons to fill appointive positions  
 3 in the government of the commonwealth and of the several cities  
 4 thereof and the selection of persons to be employed as laborers or  
 5 otherwise in the service of the commonwealth and said several cities,  
 6 and altering, rescinding, amending or adding to the rules now  
 7 established. Such rules may be of general or limited application  
 8 and shall take effect only when approved by the governor and  
 9 council.

Rules.  
1884, 320, § 2.  
149 Mass. 589.  
146 Mass. 587,  
689.

1 SECTION 7. The rules heretofore prepared by the commissioners  
 2 and now in force shall continue in force, and such rules and those  
 3 hereafter prepared by them and approved by the governor and  
 4 council, shall be administered by the commissioners. They shall  
 5 not be inconsistent with law, may be of general or limited applica-  
 6 tion and shall include provisions for:—

Application of  
rules.  
1884, 320, § 14.  
1885, 501, § 1.  
1886, 517, § 8.  
188 Mass. 603.  
145 Mass. 600.

7 The classification of the positions and employments to be filled.

8 Open competitive and other examinations to test the practical  
 9 fitness of applicants.

10 The filling of vacancies in and the selection of persons for public  
 11 positions and employments in accordance with the results of such  
 12 examinations, or in the order of application, or otherwise.

13 Promotions, if practicable, on the basis of ascertained merit in  
 14 the examination and seniority of service.

15 A period of probation before an appointment or employment is  
 16 made permanent.

17 Preference to veterans in appointment and promotion.

1 SECTION 8. Changes in the rules shall forthwith, when approved,  
 2 be printed for distribution, and a certified copy thereof sent to the  
 3 mayor of each city and the selectmen of each town to which such  
 4 changes relate, and shall be published in one or more newspapers.  
 5 In such publication the date when such changes shall take effect  
 6 shall be specified, which date shall be not less than sixty days sub-  
 7 sequent to the date of such publication.

Printing and  
distribution of  
rules.  
1884, 320, § 19.  
1888, 233.

1 SECTION 9. Judicial officers and officers elected by the people  
 2 or by a city council, or whose appointment is subject to confirma-  
 3 tion by the executive council or city council of any city, officers  
 4 elected by either branch of the general court and the appointees

Officers not  
affected.  
1884, 320, § 15.  
1888, 35.  
1886, 502.  
[10th A. G. 72,  
188.]

of such officers, heads of principal departments of the commonwealth or of a city, the employees of the treasurer and receiver general, of the board of commissioners of savings banks, and of the treasurer and collector of taxes of any city, two employees of the city clerk of any city, teachers of the public schools, the secretaries and confidential stenographers of the governor, or of the mayor of any city, police and fire commissioners and chief marshals, or chiefs of police and fire departments, shall not be affected as to their selection or appointment by any rules made as aforesaid; but, with the above exception, such rules shall apply to members of police and fire departments.

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#### SPECIAL PROVISIONS APPLICABLE TO BOSTON.

Classification of janitors, etc., in charge of steam boilers in school buildings in Boston, 1880, 352; 1883, 233.

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Qualifications of firemen in Boston, placing on list for permanent appointment, 1886, 236, 424.

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SECTION 10. Engineers, janitors and all persons having charge of steam boilers and furnaces in the school buildings in the city of Boston, and truant officers appointed by the school committee of said city, shall be classified and appointed pursuant to this chapter and the rules thereunder.

Statements of applicants for examination, 1884, 320, § 17; 1886, 182; 145; 1888, 387, 689.

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Application for registry in labor service, 1887, 328.

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SECTION 11. Persons five feet five inches in height or over, if otherwise qualified, shall be eligible to appointment in the fire department of the city of Boston. All members in said department who have served three or more successive years shall, upon application to the civil service commissioners, be placed upon the eligible list for appointment as permanent men without further examination; and may at the discretion of the fire commissioner be appointed at the same salary as permanent men who have served three or more years in said service.

#### APPLICATIONS.

SECTION 12. Every application shall state under oath the full name, residence and post office address, citizenship, age, place of birth, health and physical capacity, right of preference as a veteran, previous employment in the public service, business or employment and residence for the previous five years, and education of the applicant, and such other information as may reasonably be required relative to his fitness for the public service.

Applicants for positions in the labor service of the commonwealth or of the cities thereof shall, to the number of five hundred, be allowed to register on the first Monday of February, May, August and November in each year, at the places appointed therefor.

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#### EXAMINATIONS AND LISTS.

Scope of examination, 1884, 320, § 16.

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SECTION 13. No question in any examination shall relate to, and no appointment to a position or selection for employment shall be affected by, political or religious opinions or affiliations. Examinations shall be practical and shall relate to matters which will fairly test the capacity and fitness of the applicants. The examination of applicants for employment as laborers shall relate to their capacity for labor and habits of sobriety and industry and to the necessities of themselves and their families.

1 SECTION 14. No person in the public service shall wilfully and  
 2 corruptly defeat, deceive or obstruct any person as to his right of  
 3 examination; or wilfully or corruptly make a false mark, grade,  
 4 estimate or report upon the examination or proper standing of any  
 5 person examined hereunder, or aid in so doing; or wilfully or  
 6 corruptly make any false representation concerning the same or  
 7 concerning the person examined; or wilfully or corruptly furnish to  
 8 a person special or secret information, for the purpose of improving  
 9 or injuring the prospects or chances of appointment, employment  
 10 or promotion of any person so examined or to be examined.

Obstruction of  
right of ex-  
amination for-  
bidden.  
1884, 320, § 18.

1 SECTION 15. The commissioners, within five days after the re-  
 2 sults of an examination have been ascertained, shall prepare a list  
 3 of the applicants who have passed the examination, with the stand-  
 4 ing of each; and, within five days after certification of persons for  
 5 appointment or employment, prepare a list of the persons so certi-  
 6 fied which shall be open to public inspection.

Lists of names  
of successful  
applicants.  
1885, 301, § 4.  
1890, 617, § 4.

#### APPOINTMENTS.

1 SECTION 16. No person habitually using intoxicating liquors vendor or  
 2 to excess and no vendor of intoxicating liquors shall be appointed user of liquor  
 3 to or retained in any office, appointment or employment to which ineligible.  
 4 the provisions of this chapter apply.

1884, 320, § 3.

1 SECTION 17. No person shall be appointed to or employed in convicts ineli-  
 2 any office to which the provisions of this chapter apply within one gible for one  
 3 year after his conviction of any crime against the laws of this year.  
 4 commonwealth.

1884, 320, § 4.  
1885, 334.  
[1 Op. A. G.  
243.]

1 SECTION 18. No recommendation of an applicant for a position recomme-  
 2 or employment under the provisions of this chapter given by any dations of public  
 3 member of the general court, alderman or councilman, except as to officers re-  
 4 the character or residence of the applicant, shall be received or stricted.  
 5 considered by any person concerned in making the appointment  
 6 under this chapter.

1884, 320, § 5.

1 SECTION 19. The name and residence of every person, except name, etc., of  
 2 laborers, appointed to, promoted or employed in a position coming appointees  
 3 within the rules governing the civil service, the designation of such to be reported  
 4 position and the rejection or discharge of every such person, shall to counts.  
 5 forthwith be reported to the commissioners by the officer making  
 6 such appointment, promotion, rejection or discharge, or providing  
 7 such employment.

1884, 320, § 22.

#### VETERANS' PREFERENCE.

1 SECTION 20. The word "veteran" in this chapter shall mean a definition of  
 2 person who served in the army or navy of the United States in "veteran,"  
 3 the war of the rebellion and was honorably discharged therefrom,  
 4 or a citizen of this commonwealth who distinguished himself by  
 5 gallant and heroic conduct while serving in the army or navy of  
 6 the United States and has received a medal of honor from the  
 7 president of the United States.

1886, 517, §§ 1, 6.

Application of veterans for examination.  
1885, 457.  
1890, 473.  
1895, 501, §§ 1-3.  
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1896, 517, § 2.  
145 Mass. 587.  
100 Mass. 19.  
589.  
[100, A. G.  
243, 340.]

— for employment.  
1896, 517, § 3.  
100 Mass. 589.

Removal of veterans only after hearing.  
1894, 519.  
1896, 517, § 5.  
1901, 339.  
175 Mass. 489.

Rules for veterans.  
1896, 517, § 6.  
100 Mass. 589.  
179 Mass. 58.

Restatement of certain persons.  
1898, 454.

SECTION 21. A veteran may apply for examination under the rules, and if he passes the examination, shall be preferred in appointment and employment to all persons not veterans. The commissioners shall cause the names of the veterans who pass the examination to be placed upon the eligible list in the order of their respective standing, above the names of all other applicants, and to be certified to the appointing officers for appointment and employment in preference to other applicants, and the appointment or employment shall be made from the list so certified. But nothing herein shall prevent the certification and employment of women. 10

SECTION 22. A veteran may apply for appointment to or for employment in the classified public service without examination. In such application, he shall state under oath the facts required by the rules. Age, loss of limb or other disability which does not in fact incapacitate shall not disqualify him for appointment or employment under the provisions of this section. Appointing officers may make requisition for the names of any or all such veterans and appoint or employ any of them. 8

SECTION 23. No veteran who holds an office or employment in the public service of the commonwealth, or of any city or town therein, shall be removed or suspended, or shall, without his consent, be transferred from such office or employment, nor shall his office be abolished, except after a full hearing of which he shall have at least seventy-two hours' written notice, with a statement of the reasons for the contemplated removal, suspension, transfer or abolition. The hearing shall be before the state board of conciliation and arbitration, if the veteran is a state employee, or before the mayor of the city or selectmen of the town of which he is an employee, and the veteran shall have the right to be present and to be represented by counsel. Such removal, suspension or transfer, or such abolition of an office, shall be made only upon a written order stating fully and specifically the cause or causes therefor, and signed by said board, mayor or selectmen, after a hearing as aforesaid. 15

SECTION 24. The rules shall provide for the employment of veterans in the labor service of the commonwealth and of the cities and towns thereof, in the class for which they make application, in preference to all other persons except women. If the appointing officer certifies in his requisition for laborers that the work to be performed requires young and vigorous men, and, upon investigation, the commissioners are satisfied that such certificate is true, they may fix a limit of age and certify only those whose age falls within such limit. In cities and towns in which the provisions of this chapter and the rules governing the civil service have not been applied to the labor service, the selectmen and the city councils shall take any necessary action to secure the employment of veterans in the labor service of their respective cities and towns in preference to all other persons except women. 14

SECTION 25. Any person in the classified public service of the commonwealth or of any city or town thereof who resigns such office or leaves such service for the purpose of enlisting and serv-

4 ing in the army or navy of the United States or in the militia of  
 5 this commonwealth in time of war and so enlists and serves, may  
 6 at any time within one year after his honorable discharge from such  
 7 military or naval service be appointed to or employed in his former  
 8 or a similar position or employment, without application or exam-  
 9 ination.

## CORRUPT PRACTICES.

1 **SECTION 26.** No councillor, member of the general court, alder-  
 2 man or councilman, or any officer or employee of any of said  
 3 bodies, and no executive or judicial officer of the commonwealth,  
 4 no clerk or employee of any department or branch of the govern-  
 5 ment of the commonwealth and no executive officer, clerk or em-  
 6 ployee of any department of a city shall personally solicit or receive,  
 7 directly or indirectly, or be concerned in soliciting or receiving,  
 8 any assessment, subscription or contribution for any political pur-  
 9 pose whatever; but this shall not forbid such persons to be mem-  
 10 bers of political organizations or committees.

Public officers  
not to solicit  
contributions  
for political  
purposes.  
1884, 320, § 6.

1 **SECTION 27.** No person shall solicit in any manner whatever or  
 2 receive any contribution of money or other thing of value for any  
 3 political purpose whatever in a room or building occupied for the  
 4 performance of official duties by an officer or employee of the com-  
 5 monwealth or of any city herein.

Solicitations  
forbidden in  
official build-  
ings.  
1884, 320, § 7.

1 **SECTION 28.** No officer or employee of the commonwealth or of  
 2 any city or town wherein this chapter is in force, shall discharge,  
 3 promote, or degrade an officer or employee, or change his official  
 4 rank or compensation, or promise or threaten so to do, for giving,  
 5 withholding or neglecting to make a contribution of money or other  
 6 valuable thing for a political purpose.

Public officers,  
etc., not to be  
affected by  
refusal to  
contribute.  
1884, 320, § 8.  
142 Mass. 50, 55.

1 **SECTION 29.** No officer, clerk or other person in the service of  
 2 the commonwealth or of any city or town wherein this chapter is in  
 3 force shall, directly or indirectly, give or deliver to an officer, clerk  
 4 or person in said service, or to any councillor, member of the  
 5 general court, alderman, councilman or commissioner, any money  
 6 or other valuable thing on account of, or to be applied to, the pro-  
 7 motion of any political object whatever.

Gifts for  
political object  
forbidden.  
1884, 320, § 9.

1 **SECTION 30.** No person in the service of the commonwealth or  
 2 of any city or town wherein this chapter is in force shall use his  
 3 official authority or influence to coerce the political action of any  
 4 person or body, or to interfere with any election.

Coercion of  
political action  
forbidden.  
1884, 320, § 10.

1 **SECTION 31.** No person in the public service shall, for that reason,  
 2 be under obligation to contribute to any political fund, or to render  
 3 any political service, and shall not be removed or otherwise preju-  
 4 diced for refusing to do so.

Public officers,  
etc., not re-  
quired to con-  
tribute to  
political fund.  
1884, 320, § 11.  
142 Mass. 50, 55.

1 **SECTION 32.** No person holding a public office or in nomina-  
 2 tion for, or seeking a nomination for, or appointment to, an office,  
 3 shall corruptly use or promise to use, directly or indirectly, any  
 4 official authority or influence to confer upon any person, or to aid a

Corrupt meth-  
ods of procur-  
ing nomina-  
tions, etc.,  
prohibited.  
1884, 320, § 12.

person to obtain, an office or public employment, or a nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote, political influence or action of any person shall be given or used in behalf of a candidate, officer or party, or upon any other corrupt condition or consideration. 5  
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refreshments  
at public ex-  
pense regu-  
lated.  
1884, 320, § 13.

SECTION 33. No city shall pay a bill incurred by any official thereof for wines, liquors or cigars; nor shall a city pay a bill for refreshments furnished to an official of said city if the amount for any one day exceeds one dollar for each member of the government of said city who certifies over his own signature to the correctness of the bill. 1  
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#### GENERAL PROVISIONS.

Enforcement  
of rules.  
1901, 312.

SECTION 34. If, in the opinion of the civil service commissioners, a person is appointed or employed in the public service classified under civil service rules in violation of any of such rules, the commissioners shall, after written notice mailed to the appointing or employing officer or officers and to such person, notify in writing the treasurer, auditor or other disbursing officer of the commonwealth, city or town in whose service such person is so employed, and the payment of any compensation to such person shall be illegal and shall cease at the expiration of one week after the mailing of the latter notice, until the legality of such appointment or employment is duly established. The attorney general may, within thirty days after said notice to such treasurer, auditor or other disbursing officer, file in the superior court, sitting in equity for the county in which such appointee or employee was appointed or employed, an information in the nature of a quo warranto against such appointee or employee, and the superior court or any justice thereof shall have jurisdiction to hear and determine the same. At any time after the beginning of such proceedings the court may, if it is of opinion that there is reasonable doubt whether the employment of such person is in violation of such rules, order that the compensation accruing to the person notified shall be paid to him until otherwise ordered by said court. If the attorney general shall fail within said thirty days to file such information, the said notice shall be regarded as null and void. 1  
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Penalties.  
1884, 320, § 24.  
1891, 301, § 5.  
1891, 317, § 7.  
1893 Mass. 589.

SECTION 35. Whoever makes an appointment to office or selects a person for employment contrary to, or wilfully refuses or otherwise neglects to comply with, the provisions of this chapter or of any rule hereunder shall, unless some other penalty is specifically provided, be punished by a fine of not less than one hundred nor more than one thousand dollars for each offence. 1  
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Application of  
chapter.  
1894, 267.  
1896, 449.

SECTION 36. This chapter shall be in force in any town of more than twelve thousand inhabitants when accepted by it. So much of this chapter and the rules established under it as relate to the employment of laborers, designated as the "Labor Service," shall not be in force in any city of less than one hundred thousand inhabitants until the city council, with the approval of the mayor, accepts the same. 1  
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1 SECTION 37. In a town which by a vote of a majority of the  
2 voters voting thereon at an annual or special town meeting accepts  
3 the provisions of this section or has accepted the corresponding  
4 provisions of earlier laws, the provisions of this chapter and the  
5 rules made under the authority thereof which relate to the police  
6 and fire forces of cities except Boston shall apply to all members  
7 of the regular or permanent police and fire forces, or to the call  
8 fire force, or to either of said forces, of a town. Such vote may  
9 limit the application of the provisions of this chapter and of the  
10 rules made thereunder either to the police force or to the fire force  
11 of such town, or it may extend such application to both of said  
12 forces. Upon such vote of acceptance, each member of the force  
13 or forces included therein and within the classified civil service shall  
14 continue to hold his office until his death, resignation or removal.  
15 He shall not be removed except for cause shown after a full hearing  
16 before the board or officer of the town having power to make  
17 removals, and such member shall have the right to be present at  
18 such hearing and to be represented by counsel.

Application to  
fire and police  
forces in  
towns.  
1901, 78.

## Chapter 19. — Of the Civil Service.

Extensions of the provisions of this chapter. St. 1903, 102; 1904, 143; 1907, 292; 1909, 382; 1910, 624 § 1; 1911, 408. Limitations. St. 1902, 443; 1904, 430; 1908, 185; 1909, 311, 432 § 1, 453 § 2; 1911, 550 § 19. Res. 1911, 142.

Removals and suspensions regulated. St. 1904, 314; 1905, 243; 1906, 210; 1907, 272; 1911, 624. (See 1900, 69 § 3; 1904, 288; 1907, 245, 453; 1909, 105 § 1.)

Acts to establish pension systems. St. 1911, 532, 553, 634.

Act relative to posting notices of examinations. St. 1906, 277.

Provision for publicity in certain cases. St. 1906, 306.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320; 1908, 228. (See 1904, 343 § 1.)

A board of publication is established. St. 1902, 438.

Sect. 1 amended. St. 1906, 159 § 1; 1907, 341; 1910, 608.

Sect. 2 amended. St. 1907, 451. Additional employees. St. 1906, 405 § 1; 1910, 184, 204. (See 1908, 195.)

Sect. 4 *et seq.* See St. 1900, 277.

Sect. 5 amended. St. 1902, 308.

Sect. 6 *et seq.* Acts relative to civil service rules and regulations. St. 1904, 198; 1909, 382. (See also 1904, 191.)

Sect. 9. Exemptions. St. 1907, 245.

Sects. 10, 11. See St. 1908, 210; 1909, 332.

Sect. 12 amended. St. 1911, 119.

Sect. 13 amended. St. 1911, 62. (See 1911, 119.)

Sects. 21, 22 limited. St. 1902, 413; 1904, 430; 1908, 185; 1909, 311, 432 § 1.

Sect. 23 extended. St. 1904, 314. Amended. St. 1905, 150; 1910, 500. Limited. St. 1909, 311, 453 § 2. Retirement pension of veterans. St. 1907, 458; 1909, 398; 1910, 459. (See 1911, 725.)

Sect. 26 *et seq.* See St. 1907, 560 §§ 119-126; 1908, 88.

Sect. 30 *et seq.* See St. 1907, 581.

Sect. 34 revised. St. 1910, 359.

Sect. 36 amended. St. 1902, 541 § 3.

Sect. 37. See St. 1903, 102; 1904, 143, 288.

## Chapter 20. — Of Counties and County Commissioners.

Retirement system for county employees. St. 1911, 634.

County commissioners authorized to kill sheep-worrying dogs in certain cases. St. 1902, 226; 1904, 127. Provision for bounty for killing a wild-cat or Canada lynx. St. 1903, 314 § 1. Damages caused by wild deer. St. 1903, 407; 1909, 396.

Sect. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

Sect. 7. See St. 1909, 271.

Chap. 0078 An Act to extend the provisions of the civil service law to the police and fire forces of towns.

Be it enacted, etc., as follows:

Section 1. The provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, entitled "An Act to improve the civil service of the Commonwealth and the cities thereof", and all acts in amendment thereof, and the civil service rules thereunder which relate to the police and fire forces of cities of the Commonwealth other than the city of Boston, are hereby extended and made applicable to all members of the regular or permanent police and fire forces, or to the call fire force, or to either of said forces, in every town in the Commonwealth in which this act shall be accepted by a majority of the legal voters present and voting thereon at an annual town meeting or at any special meeting called for the purpose.

Section 2. Any town shall have the right in any such vote to limit the application of said chapter three hundred and twenty and of the civil service rules thereunder to the police force or to the fire force of such town, or to require the application thereof to both of said forces.

Section 3. Upon such vote each member of the force or forces included in it, and within the classified civil service, shall continue to hold his respective office until death, resignation or removal.

Section 4. No member of either of said forces so included by vote of the town, and within the civil service law and rules, shall be removed except for cause shown after a full hearing before the board or official of said town having power to make removals, at which hearing the member in question shall have the right to be present and to be represented by counsel.

Section 5. This act shall be submitted to the voters of any town at any annual town meeting or at any special meeting called therefor; and shall take effect in any town upon its acceptance by a majority of the voters voting thereon in such town.

Section 0. This act, except as otherwise provided herein, shall take effect upon its passage.

Approved February 21, 1901.

NAME (WRITE ABOVE LINE) \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_ FILE NO. \_\_\_\_\_

DATE	RATING	SALARY	REMARKS
3.6.11	--Police classified.		
3.4.12	--Chief of Police classified--59988		
1924	--Police Reserves established--27445		
4.23	34--All other employees in Police		
	Department classified.		
7.1.38	--No ordinance which states defin- itely the number of regulars in Police Department.--339029		
10.11.43	Pymt. of add'l days pay each wk. to reg. Patrolmen for extra work performed by them		
	auth.	407970	
3.6.24	1930- 2.6.24.63 - Rename School Traffic Supervisors, brought under City of Service by Chapter 162, Acts of 1963. (over)		63-13763
NAME	POLICE	ARLINGTON	CITY OR TOWN

## **ARTICLE 42**

### **From the Town Manager Act**

#### **Section 8.      Election of Other Officers.**

The election of Town Clerk, treasurer and town collector, and assessors shall continue as presently provided. Notwithstanding the election of the officers named in this section, by voters of the town, they shall be subject to the call of the manager for consultation, conference and discussion on matters relating to their respective offices.

#### **Section 15.      Powers and Duties of Manager.**

*Amended by Chapter 101 of the Acts of 2016*

In addition to the specific powers and duties provided in this act the Town Manager shall have the general powers and duties enumerated in this section:

- (a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the Select Board, the School Committee, Moderator, Town Clerk, Town Treasurer and Collector, Board of Assessors, Registrars of Voters, Election Officers, Boards of Appeal, the Finance Committee, the Capital Budget Committee and the Personnel Review and Appeals Board.

While the town manager shall not supervise the board of assessors as an elected body, the town manager shall supervise and direct the administration of the assessors' office and appoint the director of assessments in accordance with subsection (c). The director of assessments and all other assessors' office personnel, except for the board of assessors, employed or in office when this act takes effect shall continue in their respective positions subject to chapter 31 or 150E of the General Laws, or both such chapters, if applicable, but otherwise subject to removal by the town manager as provided in this section.

Nothing in this section shall otherwise abridge the authorities or responsibilities of the board of assessors as set forth in chapter 41 of the General Laws or any other general law.

- (b) The Town Manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under their direction and supervision, in whole or in part, may establish such new departments, commissions, boards and offices as they deems necessary and make appointments to such boards, subject to the approval of the Select Board. The Town Manager may in connection with such transfer of such powers or duties transfer the duties and powers of one department, commission, board or office to another and may, with the approval and consent of the finance committee, transfer the appropriation of such one department, commission, board or office to another. The Town Manager may temporarily establish such new positions, as they deems necessary and appoint temporary employees thereto. Such positions shall be placed under the Classification and Pay Plans at the next succeeding special or annual town meeting.

(c) Subject to the provisions of chapter thirty-one of the General Laws where applicable, and except as otherwise provided by this act, the Town Manager shall appoint upon merit and fitness alone, and may transfer and remove all officers and employees of the town, including maintenance employees of the school department and school custodians, but excluding other employees of the school department. Town officers and full-time employees not subject to said chapter thirty-one shall not be removed by the Town Manager except on ten working days' notice in writing to said officer or employee, setting forth the cause of such removal.

The town manager shall also appoint upon merit and fitness alone, the Town's Comptroller (also vested with the authorities of a "Town Accountant") subject to the approval of the Select Board. Appointment of the Comptroller shall become effective upon the approval of the Select Board. If the Select Board fails to act by approving, rejecting, or requesting additional reasonable time to consider a candidate however, appointment shall become effective on the thirtieth day following the day on which notice of the proposed appointment is filed with the Board. For the purposes of this section, notice of appointment shall be considered filed with the board when such notice is filed at an open meeting of the Select Board.

The Comptroller may be removed by the town manager subject to the approval of the Select Board. Removal of the Comptroller shall become effective upon approval of the Select Board. If the Select Board shall fail to act, by approving, rejecting, or requesting additional reasonable time to consider a termination however, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal is filed with the Select Board. For the purposes of this section, notice of removal shall be considered filed with the Board when such notice is filed at an open meeting of the Select Board. Nothing in this paragraph shall supersede or abridge the Comptroller's employment rights afforded by state law.

Notwithstanding the foregoing section (c), the Comptroller shall be authorized to report directly to the Chairperson of the Select Board, or any Member of the Board, on any matter in the Town at any time, without the necessity of prior approval from the Town manager or any other official.

## **ARTICLE 46**

### **From the General Laws**

#### ***Section 22G: Funds received from fines for handicap parking violations; deposits in account; expenditures***

Section 22G. Any city or town which has accepted the provisions of section eight J is hereby authorized to allocate all funds received from fines assessed for violations of handicap parking in said city or town to the commission on disabilities.

Funds so received shall be deposited by the city or town treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Said account shall be established by the city or town treasurer and shall be kept separate and apart from all other monies. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the commission on disabilities in accordance with the accepted procedures of the city or town for the disbursement of funds, including the approval of the mayor and city council or the town manager or board of selectmen. The city

or town accountant shall submit annually a report of said account to the mayor and city council or the town manager and board of selectmen for review and a copy of said report shall be forwarded to the bureau of accounts.

## **ARTICLE 47**

### **From the General Laws**

#### *Section 53F3/4: PEG Access and Cable Related Fund*

Section 53F3/4. Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.

## OFFICE OF THE SELECT BOARD

DANIEL J. DUNN., CHAIR  
DIANE M. MAHON, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
CLARISSA ROWE



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

February 14, 2019

Dear Registered Voter:

The Select Board will meet on Monday, February 25th at 7:15 p.m. to discuss the Warrant Article petition that you signed. The meeting will take place in the Select Board Chambers, Town Hall, 2nd Floor.

Article 33	Bylaw Amendment/ Notice of Demolition (tabled from 2/11/2019 meeting)
Article 36	Vote/Election Modernization Study Group

Please feel free to contact my office at the above number to confirm or if you require any further information.

Thank you.

Very truly yours,  
SELECT BOARD

*Marie A. Krepelka*  
Marie A. Krepelka  
Board Administrator

MAK:ls

**ARTICLE 33****BYLAW AMENDMENT/NOTICE OF DEMOLITION**

To see if the Town will vote to amend the Town Bylaws to include trees subject to the Tree Protection and Preservation Bylaw as requiring a notice of demolition by amending TITLE VI, BUILDING REGULATIONS, ARTICLE 7, NOTICE OF DEMOLITION to include reference to the removal of trees subject to the Tree Protection and Preservation Bylaw in paragraphs A and B; or take any action related thereto.

(Inserted at the request of Elizabeth Pyle and ten registered voters)

**ARTICLE 36****VOTE/ELECTION MODERNIZATION STUDY GROUP**

To see if the Town will vote to establish a study group to examine ways of modernizing the Town's electoral system and make recommendations to the Town Clerk, the Select Board, and Town Meeting, including, but not limited to, voter registration practices, early voting practices, non-citizen voting, and ranked choice voting at the next Annual Town Meeting; or take any action related thereto.

(Inserted at the request of Christa Kelleher and ten registered voters)

Bylaw Amendment/Notice of  
Demolition

Elizabeth Pyle  
66 Gloucester Street  
Arlington, MA 02476

William Copithorne  
15 Cornell Street  
Arlington, MA 02474

Carol Curcio  
7 Newport Street  
Arlington, MA 02476

Wynelle Evans  
20 Orchard Place  
Arlington, MA 02476

Patrick Hanlon  
20 Park Street  
Arlington, MA 02474

Stephen McKenna  
4 Upland Road  
Arlington, MA 02474

Tobey Nemser  
42 James Street  
Arlington, MA 02474

Jonathan Nyberg  
30 Lake Shore Drive  
Arlington, MA 02474

Rachel Oliveri  
12 Iroquois Road  
Arlington, MA 02476

Maryann Pallotta  
10 Johnson Road  
Arlington, MA 02474

Vote/Election Modernization Study  
Group

Christa Kelleher  
153 Medford Street  
Arlington, MA 02474

Steven C. Wofsy  
76 Park Street  
Arlington, MA 02474

Gregory Dennis  
19 Wheaton Road  
Arlington, MA 02474

Karin DeStefanis  
113 Palmer Street  
Arlington, MA 02474

Anthony Fernandez  
153 Medford Street  
Arlington, MA 02474

Patrick & Judith Hanlon  
20 Park Street  
Arlington, MA 02474

Robin L. Bergman  
320 Park Avenue  
Arlington, MA 02476

Catherine L. Farrell  
76 Park Street  
Arlington, MA 02474

Adam Badik  
1 Beacon Street  
Arlington, MA 02474

David Swanson  
21 Dartmouth Street  
Arlington, MA 02474

## MEMORANDUM

To: Arlington Select Board

From: Susan Stamps, Arlington Tree committee

Date: February 21, 2019

Re: Hearing on 2019 Warrant Article 32, Bylaw Amendment-Bylaws of the Town of Arlington, Title V, Article 16, Tree Protection and Preservation.

I. History of Tree Protection and Preservation Bylaw: In early 2015, at the request of a concerned town resident who saw houses demolished and lots clear cut in his neighborhood for new construction, the Tree Committee began to investigate the possibility of regulating tree removals during construction. At the same time, the town's Master Plan process was under way, and the final 2015 Master Plan reflected the town's love of its leafy environment and concerns over loss of tree canopy. In the Master Plan's list of goals was to consider regulating tree removals during construction so as to reduce loss of tree canopy. As a result of the efforts started by one Arlington resident, Town Meeting overwhelmingly approved the first Tree Protection and Preservation Bylaw ("Tree Bylaw") at the 2016 Town Meeting, and approved an amendment at the 2018 Town Meeting.

In the drafting the 2016 Tree Bylaw, the Tree Committee researched what other Massachusetts cities and town had done and focused on Lexington and Wellesley, the two towns we could find with tree bylaws that addressed the concerns we had. There were other tree bylaws, but they were not applicable to our needs. For example Cambridge's regulation only applied to large scale commercial developments and the Weston bylaw was vague, requiring only that the builder to have a conversation with a town department about possibly saving trees before he/she could start work.

We modelled our bylaw on Wellesley and Lexington. Concord also passed a similar tree bylaw in 2018, also modelled on Wellesley and Lexington.

II. Changes to Tree Bylaw requested in 2019 Warrant Article 32: Here are the main provisions of the Tree Bylaw, in the order of the Warrant Article - with the provisions we are requesting in Article 32 to change underlined:

1. The Tree Bylaw applies in demolitions or major construction projects to "Protected Trees," (Section 3, Applicability) defined as healthy trees located in the property setback with a trunk diameter of 10 inches (Section 2, Definition of Protected Tree).

Change requested – Reduce the diameter to 8 inches to protect more trees. Especially in an urban setting, trees do not live that long and the younger ones are a key part of our treescape. Protected Tree diameter in Wellesley is 10 inches, in Lexington 8 inches, and in Concord six inches.

2. "Tree removal" in the bylaw means cutting down a tree (Section 2, Definition of Tree Removal)

Change requested – Add to the definition of Tree Removal: "intentional or unintentional damage to a tree during construction which results in the death of the tree. This would meant that if a contractor does not protect a Protected Tree's Critical Root Zone (see 3.B below) and it dies, that is the same as removal of a Protected Tree without permission, which results in a fine per Section 5.A.1 of the Tree Bylaw.

3. Before any work on the property, contractor must have a "Tree Plan" approved by the town's tree warden (Section 4.A). That tree plan is a site plan with the Protected Trees shown and an explanation to what will happen to them (leave on the site, or, if remove, then pay a fee or replace- see par. 4 below) (Section 2, Definition of Tree Plan).

Two Changes requested –

A. Show nearby street trees on the tree plan. This requirement is not in the Wellesley, Lexington or Concord bylaws, but those towns are not as dense as Arlington. In our town, public trees can be adversely impacted by work on nearby private lots – for example, heavy equipment going in and out of a lot can run over a street tree's roots, which will cause the tree to die over time. Although the contractor would be liable for the tree loss under state law chapter 87<sup>1</sup>, it would be better if the tree warden in reviewing the tree plan were to see the public trees and could proactively discuss protection of the trees with the contractor. In addition, we have had instances in town where, after a house or garage has been built, the contractor requests removal of a street tree because it is in the way of the driveway, utility lines, etc. Again, it would be an improvement in the process for the tree warden to be made aware of the public tree before the work is done so that there can be a discussion about changing the placement of structures or driveways/walkways to avoid having to remove the public tree.

B. Note on the Tree Plan how the contractor will protect the Critical Root Zones (CRZ) of the Protected Trees remaining on the property from damage or destruction during work on the lot. The Wellesley, Lexington and Concord tree bylaws all address CRZ protection. This is best practice when working around trees.

4. The Tree Bylaw allows contractors to remove Protected Trees, but they must mitigate the loss to the town's tree canopy – either by a payment to the Tree Fund or by planting a replacement tree no smaller than 2.5 inches dbh.

Change requested – Remove the option to plant a replacement tree to mitigate the loss of removal and have only the payment option.

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<sup>1</sup> Removal of trees on public property (owned by the town), variously called street trees, public trees, town trees, or public shade trees, is governed by the Public Shade Tree law, MGL c. 87

The tree warden has found that planting by the contractor does not mitigate loss because most of the trees planted by contractors per the bylaw in 2017 and 2018, the first two full years following passage of the 2016 Tree Bylaw, have either failed to thrive or were never planted (see the table below). The town does not have the resources to police compliance with the bylaw at the site. Further, new trees need a minimum of two years of watering after planting and no one is obligated to do this under the bylaw, nor would it be practical to impose the obligation, either on the contractor who is going to sell the property to a third party, or on the existing or future homeowner who may not water the new trees. Finally, the planting option will be chosen more often, with more bad results, since the bylaw was amended in 2018 to change the fee from \$500 per tree to a fee set by the Select Board which reflects the actual cost of replanting a replacement tree or trees to equal the inches of dbh lost. The Select Board has set the fee at \$375 per inch of dbh, so that removing a 10" tree which used to cost \$500 now costs \$3,750. It is possible that the effect of having only the payment option will be that builders will find a way more often to leave mature Protected Trees on the site.

According to the Tree Warden's records, during the two-year period January 1, 2017 through December 31, 2018, there were 17 building projects in town with tree plans. Of those 17, the Tree Warden checked on the six sites which were past the 180 day period after issuance of the Certificate of Occupancy (Section 4.C) and therefore should have had trees planted if they had chosen to plant and not pay. His findings:

Site	Status
1	Contractor paid (no planting required)
2	Trees planted and looked good
3	Trees were supposed to be planted, but weren't
4	Trees were supposed to be planted, but weren't
5	Tree(s) planted, but dead
6	Tree(s) planted but failing

5. The Tree Bylaw gives the Select Board the authority to establish administrative rules and regulations (Section 6), but limits those to rules and regulations "for the review and approval of Tree Plans, as well as enforcement determinations."

Change requested – Broaden the authority of the Select Board to establish rules and regulations of any kind in order to carry out the intent of the bylaw. All the bylaws we reviewed that regulated tree removal at all have some municipal body (such as Planning Board) which oversee the bylaw and issue regulations when needed to assist implementation of the bylaw. For example, it may be helpful for the Select Board to issue regulations describing the specific steps to be taken to prevent damage to the Critical Root Zones of Protected Trees, which Wellesley, Lexington and Concord have in either their bylaw or in

regulations. We anticipate that any such regulations would normally be drafted by the Tree Committee working with the Tree Warden and DPW Superintendent and presented to the Board for review and approval.

6. Arlington can be proud that it is an urban forest leader – Tree Committee members in networking with citizens in other towns have realized that, surprisingly, most Greater Boston communities are woefully behind in protecting their trees. Arlington, together with Wellesley, Lexington and Concord, is a leader in tree protection and preservation and an inspiration to residents of other municipalities, including Cambridge, Somerville and Medford, in their efforts to preserve and enhance their tree canopy. Their efforts, of course, benefit all of us.

The Tree Committee thanks the Select Board and Town Meeting for its continued support of Arlington's trees.

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## APPENDIX

### RELEVANT SECTIONS OF THE 2015 ARLINGTON MASTER PLAN

The Arlington Master Plan recognizes the importance of trees to the quality of life in Arlington and thus the need to protect them - whether on public or private property.

Arlington Master Plan, page iii, Town Goals, Article 4 “The Environment”: “... Recognizing the fragility of our natural resources, we must ensure that Arlington's residential areas, commercial centers, and infrastructure are developed in harmony with environmental concerns.....” [emphasis added].

Arlington Master Plan, page 29, Section 3, Land Use - sidebar Master Plan goals for land use: “Encourage development that enhances the quality of Arlington's natural resources and built environment.”

Arlington Master Plan, page 131, Section 8, Natural Resources and Open Space - sidebar Master Plan goals for natural resources & open space: “Ensure that Arlington's neighborhoods, commercial areas, and infrastructure are developed in harmony with natural resource concerns.” [emphasis added] and “Value, protect, and enhance the physical beauty and natural resources of Arlington.”

Arlington Master Plan, page 188, Implementation Program: Summary, #42: "Study methods of regulating the removal of mature trees on private property; research and consider methods used in other communities.

Arlington Master Plan, page 188, Implementation Program: Summary, #43: "Consider establishing Neighborhood Conservation Districts with design review standards for architecture, mature trees and landscaping, open space, walkways, and other features."

SDS\DOCUMENTS\ARL TREE BYLAW 2018-2019\Memorandum Select Bd 2-25-19 Tree Bylaw Art 32

see  
attached  
for  
2016  
Amendment

orig tree Bylaw 2017 Town  
meeting

Section 5. Administration

A.

The Engineering Division, subject to approval by the Director of public Works and the Town Manager, shall establish administrative procedures for the review and approval of storm water management plans. Failure to promulgate rules and regulations will not have the effect of suspending or invalidating this bylaw.

B.

The Engineering Division shall utilize the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Department of Environmental Protection's revised Surface Water Discharge Permit Regulations at 314 CMR 3.06(11)(b)5 Storm Water Management Policy for execution of the provisions of this bylaw.

**ARTICLE 16**  
**TREE PROTECTION AND PRESERVATION**  
*(ART. 22, ATM - 05/02/16)*

**Section 1. Findings and Purpose**

The Town of Arlington finds that preservation of the tree canopy and planting of replacement trees is essential to preserving the character and aesthetic appearance of the Town and maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and storm water runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors.

**Section 2. Definitions**

A. The following definitions shall apply to this By-law:

**"Building Footprint"** - Outline the total area covered by a building's perimeter at ground level.

**"Caliper"** - Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

**"DBH (Diameter at Breast Height)"** - Diameter of a tree trunk measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the aggregate diameters of the multiple trunks at a height of four and a half (4 1/2) feet above ground.

**"Demolition"** - Any act of destroying, pulling down, removing or razing a building or commencing the work of total or substantial destruction of a building.

**"Protected Tree"** - Any existing healthy tree on private land with a DBH of ten (10) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.

**"Setback Area"** - The Portion of the property which constitutes the minimum depth of side, rear and front yards as per the Zoning Bylaw of the Town of Arlington.

**"Tree Fund"** - An existing Town account established for the purpose of buying, planting, and maintaining trees in the Town which may receive deposit of contributions in lieu of planting new trees by property owners and fines collected under this By-law.

**"Tree Plan"** - A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas and indicating, on the site plan or in a separate document, which Protected Trees will be retained, which will be removed, and, as to Protected Trees which will be removed, whether mitigation will be by replacement on the property or by payment into the Tree Fund.

**"Tree Removal"** - The cutting down of a tree

**"Tree Warden"** - The Tree Warden or his/her designee.

**B.** Additional definitions may be provided in rules and regulations approved by the Board of Selectmen where consistent with intent and efficient execution of this By-law.

### **Section 3. Applicability**

**A.** The requirements of this By-law and all applicable rules and regulations apply to the following Circumstances:

- (1) Proposed demolition of an existing residential or non-residential structure;
- (2) Proposed construction on a developed lot which would result in an increase of 50 percent or more of the total building footprint of the new structure(s) when compared to the total footprint of pre-existing structures; or
- (3) Proposed construction of any scope on a lot with no residential or non-residential structure on it.

**B.** Sites under the jurisdiction of the Arlington Redevelopment Board ("ARB") or the ARB as the Planning Board, the Zoning Board of Appeals, or the Conservation Commission pursuant to Arlington's Wetlands Protection By-law (Title V, Article 8) may waive the requirements of this By-law in full or in part where such waiver serves the interest of the community and the reasons therefore are memorialized by such bodies.

**C.** The requirements of this By-law shall not apply to trees defined as Public Shade Trees under G.L. c.87 § 1.

**Section 4. Procedures and Requirements for the Preservation of Trees**

- A.** Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.
- B.** In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C
- C.** For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a \$500 payment made to the Tree Fund prior to commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.
- D.** If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.

E. An Owner aggrieved of the Tree Warden's determination on a Tree Plan, or with respect to the need for such a plan, may appeal such determinations to the Board of Selectmen at a public hearing. A written decision on such appeals shall be rendered with 14 business days of the close of such hearing(s).

## Section 5. Enforcement and Fines

A. Following a determination of violation by the Tree Warden, an owner shall be subject to fines for the activities listed below, to be paid into the Tree Fund, said fines to be set forth in rules and regulations issued by the Board of Selectmen.

Said activities are:

- (1) Removal of a Protected Tree on an applicable site without prior written approval of commencement of work per Section 4.D, \$300 per day of work. There shall also be a fine for each Protected Tree removed.
- (2) Removal of a Protected Tree which is not identified for removal in the Tree Plan. There shall be a fine for each Protected Tree removed, \$300.
- (3) Failure to mitigate tree removal within the time set forth in Section 4.C of this By-Law. There shall be a fine of \$300 for each day until mitigation is achieved.

B. Wherever there is reasonable cause to believe that an owner or their agent willfully violates this By-Law or an approved Tree Plan, the Town may institute a civil action for injunctive relief in a court of competent jurisdiction ordering appropriate parties to correct a condition in violation, or to cease an unlawful use of the property.

C. An owner aggrieved of the Tree Warden's determination of violation(s) may appeal such determination(s) to the Board of Selectmen at a public hearing.

### **Section 6. Administration**

The Board of Selectmen shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.

### **Section 7. Severability Clause**

If any provision of this By-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-law shall not be affected thereby.

### **Section 8. Relationship to Other Laws**

Nothing in this By-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Arlington By-laws or laws of the Commonwealth of Massachusetts.



OFFICE OF THE TOWN CLERK  
TOWN OF ARLINGTON  
730 MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476

TOWN HALL  
OFFICE HOURS  
MONDAY, TUESDAY & WEDNESDAY  
8 A.M. TO 4 P.M.  
THURSDAY - 8 A.M. TO 7 P.M.  
FRIDAY - 8 A.M. TO 12:00 P.M.

STEPHANIE L. LUCARELLI  
TOWN CLERK

TELEPHONE  
(781) 316-3070

Tree Bylaw amendment  
2018 Town Meeting - approved by Ab 8/7/18

ARTICLE 14

BYLAW AMENDMENT/TREE PRESERVATION AND  
PROTECTION

VOTED: (ELECTRONIC TALLY, YES - 197 - NO - 4)

That Title V, Article 16 (Tree Protection and Preservation), Section 4, Procedures and Requirements for Preservation of Trees, be and hereby is amended by striking the amount "\$500" in paragraph "C;" and inserting the following after the words "Tree Fund," and before the words "prior to commencement," "in the amount set by a mitigation schedule approved by the Board of Selectmen assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees"; so as to read as follows:

Section 4. Procedures and Requirements for the Preservation of Trees

A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.

B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C

C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a ~~\$500~~ payment made to the Tree Fund prior to commencement," of work on the property  
"in the amount set by a mitigation schedule approved by the Board of Selectmen assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees, prior to commencement of work on the property,  
which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.

D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.

A true copy of the vote under  
Article 14 of the Warrant for  
the Annual Town Meeting of  
the Town of Arlington at the  
session held April 23, 2018.

ATTEST: *Stephanie L. Lucarelli*

Town Clerk



## **Town of Arlington, Massachusetts**

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### **Articles for Review:**

#### **Summary:**

- Article 28 Bylaw Amendment/Recycling Committee Membership and Mission
- Article 29 Bylaw Amendment/Regulation of Polystyrene
- Article 34 Bylaw Amendment/Regulation of Outdoor Lighting - Dark Skies Bylaw
- Article 44 Home Rule Legislation/CPA Surcharge Exemption For Senior Homeowners
- Article 45 Extending Local Voting Rights to All Legal Permanent Arlington Residents
- Article 50 Local Option/Short Term Rental Impact Fees

#### **ATTACHMENTS:**

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Draft_Votes_and_Comments_fro_Articles_28_29_34_44_45_and_50.pdf	Town Counsel Draft Final Votes and Comments



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

50 Pleasant Street  
Arlington, MA 02476  
Phone: 781.316.3150  
Fax: 781.316.3159  
E-mail: [dheim@town.arlington.ma.us](mailto:dheim@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

## MEMORANDUM

TO: Select Board

FROM: Douglas W. Heim *DW*

DATE: February 22, 2019

RE: **Draft Votes and Comments for Articles: 28, 29, 34, 44, and 45**

I write to provide the Board the following as draft Votes and Comments for your consideration at Monday's Select Board meeting regarding the previously heard, above-referenced warrant articles. I note that where existing bylaw provisions are amended by a vote, underlined text signifies new or additional wording, while strikethrough text signifies words and clauses to be eliminated.

## **ARTICLE 28 BYLAW AMENDMENT/RECYCLING COMMITTEE MEMBERSHIP AND MISSION**

**VOTED:** That Title II, Article 7 of the Town Bylaws, "Recycling Committee" be and hereby is amended to expand the number of registered voter members appointed by the Moderator from eight to ten for a total of eleven members in Section 1: Membership; and further by revising the scope of solid waste management activities addressed by the Committee in Section 2: Purpose and Mission; and further by striking Section 3. Cost Effectiveness in its entirety, so as to read in full as follows:

**ARTICLE 7: RECYCLING COMMITTEE - ZERO WASTE ADVISORY COMMITTEE**

**Section 1. Membership**

**ART. 27, A.T.M., 5/1/95**

There shall be an Arlington ~~Reeyeling~~ Zero Waste Advisory Committee to be appointed by the Moderator. The committee shall consist of 9 11 persons. The committee shall consist of the Town Manager or their designee, and 8 10 members to be selected from the registered voters of the town. The terms of appointment to the committee initially shall be 3 members appointed for 3 years, 3 members appointed for 2 years, and 3 members appointed for 1 year. All reappointments upon the expiration of the original term of appointment shall be for 3 years. Members shall serve until their successors are appointed and qualified.

**Section 2. Purpose and Mission**

The mission of the ~~Reeyeling~~ Committee is to advise the Town of opportunities to improve and expand recycling and solid waste reduction policies and practices in the Town, to educate and advocate recycling, source reduction, and reuse of waste, and other forms of solid waste reduction to the citizens, offices and businesses of the Town, and to conduct research and programs to increase participation in recycling, composting, and proper disposal and reduction of waste.

Among other actions, the ~~Reeyeling~~ Committee should monitor the activity of the trash and recycling contractor and report any problem areas to the Director of Public Works, monitor collection of white paper in the Town for recycling, manage collections of household hazardous waste and inform residents of non-toxic alternatives to hazardous substances, and publicize the benefits of and opportunities for recycling and composting of waste in Arlington.

**Section 3. Cost Effectiveness**

~~In carrying out this mission, the Committee shall ensure that its recommendations are cost-effective (or will become cost-effective with sufficient participation), or are necessary to comply with state and federal regulations.~~

**(5 - 0)**

**COMMENT:** The Select Board requests Town Meeting's support for the substantive and administrative changes proposed by the Town's Recycling Committee to rebrand itself as the "Zero Waste Advisory Committee" and expand their work to more comprehensive and current waste reduction strategies. The Committee was initially formed in 1994 and has enjoyed great success in reducing waste and providing highly utilized recycling programs and services. However, as waste reduction, reuse, and recycling issues are changing, so too must our chief committee charged with advising the Town of appropriate strategies related thereto. Furthermore, expanded interest in the Committee's activities invites an expansion in membership. By offering two additional seats on the committee we can better take advantage of the increasing number of skilled volunteers available to help tackle the Town's waste challenges.

## **ARTICLE 29**

## **BYLAW AMENDMENT/REGULATION OF POLYSTYRENE**

**VOTED:** That Title VIII (Public Health and Safety) be and hereby is amended by adding a new "Article 10: Polystyrene Reduction" to read as follows:

### **ARTICLE 10 POLYSTERENE REDUCTION BYLAW**

#### **Section 1. Purpose and Intent**

**The use and disposal of polystyrene has significant detrimental impacts on the Town and our local and regional environment, including:**

- A. Harm to aquatic life when ingested;**
- B. Pollution of waterways;**
- C. Human health risks from potential exposure to chemicals leaching from polystyrene food containers and consumption of aquatic wildlife that contains polystyrene microplastics; and**
- D. Limited recycling options for polystyrene containers and other polystyrene products.**

**With the goal of protecting the health of residents and our natural resources, consistent with the Town Goals adopted by Town Meeting in 1993, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by January 1, 2020.**

#### **Section 2. Definitions**

- A. "Polystyrene Disposable Food Services Containers" shall mean single-use disposable products used for serving, consuming, or transporting food or beverages, including**

without limitation take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable catering trays.

- B. “Expanded or Foam Polystyrene” and “Polystyrene” shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expand and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blown molding (extruded foam polystyrene) sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam. Products containing polystyrene bear the recycling number “6” or “PS 6”.
- C. “Food Establishments” shall mean any operations, including without limitation, restaurants, schools, farmers markets, and public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Sanitary Code (standards for food), 105 CMR 590.000, et. seq., shall be considered a Food Establishment for the purpose of this bylaw.
- D. “Retail Establishments” shall mean any commercial business facility, whether for-profit or not-for-profit, that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, retail stores, and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food service establishments.
- E. “Public Venues” shall mean operations including, but not limited to, meeting halls, churches, Town offices, the Senior Center, Recreation Department facilities, libraries, and public schools operating in Arlington.
- F. “Department” shall mean the Arlington Department of Health and Human Services.
- G. “Director” shall mean the Director of Health and Human Services.

### Section 3. Use Regulations

Effective January 1, 2020, polystyrene disposable food service containers, polystyrene cutlery, new polystyrene packing peanuts, and other polystyrene disposable products shall not be used, sold, or distributed by food establishments or retail establishments within the Town of Arlington.

This bylaw shall not apply to:

- A. Polystyrene packing peanuts and foam packaging from shipments coming to Arlington or the reuse of such products coming to Arlington;
- B. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from or packaged by any supplier located outside of Arlington; or
- C. Polystyrene foam freezer chests.

#### Section 4. Penalties and Enforcement

- A. Each food establishment or retail establishment, as defined in Section 2, located in the Town shall comply with this by-law.
  - 1. If it is determined that a violation has occurred, the Director, or his or her designee in the Department, shall first issue a "warning notice" to the food establishment or retail establishment for a first time violation.
  - 2. If after 14 days from receipt of the warning notice, the food establishment or retail establishment continues to violate this by-law or commits a second violation, the Director shall issue a notice of violation and shall impose a penalty against the food establishment or retail establishment.
  - 3. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
    - (i) \$50 for the first offense;
    - (ii) \$100 for the second offense;
    - (iii) \$150 for the third and all subsequent offenses.
  - 4. No more than one penalty shall be imposed upon a food establishment or retail establishment within a seven calendar day period.
  - 5. Food establishment or retail establishment shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.
- B. The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.

#### Section 5. Waivers

In the event that compliance with the effective date of this by-law is not feasible for a food establishment or retail establishment because of either unavailability of alternative containers or products or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or owner's representative. The Director

may provide one additional six-month waiver upon showing of continued infeasibility or hardship, as set forth above.

#### Section 6. Severability

The provisions of this bylaw are severable; and if any of the provisions of this bylaw shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(5 – 0)

**COMMENT:** The Select Board urges Town Meeting to vote in support of this measure to join communities such as Andover, Brookline, Cambridge, Concord, and Wayland in prohibiting the use of a limited class of polystyrene products at food and retail establishments – specifically a limited kind of plastic food service containers, cutlery, and packaging materials. These products pose risks to human health and the environment, are difficult to recycle, and have cost-effective readily available alternatives.

The Board emphasizes that only plastics bearing recycling number 6 (primarily single-use plastics) would be covered by this prohibition, and a variety of exceptions are woven into the bylaw such as exceptions for polystyrene coolers and food products which come to grocery stores and other retailers in pre-packaged in polystyrene containers. Furthermore, while Arlington residents are permitted to purchase polystyrene products online or outside of Arlington, the cost difference between banned polystyrene products and alternatives is expected to be between ten and twenty cents, which should have minimal impact on consumers.

Finally, this well-researched proposal is modeled after a successful plastic bag reduction bylaw passed by Town Meeting in 2017. As such, it includes advanced notice to retailers and establishments, graduated penalties, and a temporary waiver system for appropriate businesses.

## **ARTICLE 34**

### **BYLAW AMENDMENT/REGULATION OF OUTDOOR LIGHTING – DARK SKIES BYLAW**

**VOTED:** That Title V, Article 14 (Regulation of Outdoor Lighting) of the Town Bylaws be and hereby is amended as follows:

#### **Section 1. Introduction**

It is the intention of this by-law to regulate the use of outdoor lighting so as to reduce or eliminate light pollution (artificial light which causes a detrimental effect on the environment, interferes with the enjoyment of the night sky, causes undesirable glare, or unnecessary illumination of adjacent properties), and to conserve energy and resources to

~~the greatest extent possible not unduly inconvenience and/or disturb residential abutters by having outdoor lighting shining directly into their windows or onto their properties, or by creating observable and unreasonable glare shining into their windows or onto their properties. This by law is enacted with the understanding that enforcement shall be based upon any complaint issued by any resident or residential property owner with the Town.~~

## Section 2. Definitions

A. A "luminaire" shall be defined as a complete outdoor lighting unit or fixture including a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, but not including a pole on which the luminaire may be mounted.

A luminaire shall be considered shielded if it is constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the luminaire.

## Section 32. Regulation

A. All outdoor lighting, including but not limited to: floodlighting, decorative lighting, lighting primarily designed to illuminate walks and/or walkways, driveways, flagpoles, outdoor living areas and/or outdoor recreational facilities shall be appropriately continuous, indirect, and installed and/or shielded in a manner that shall prevent unreasonably bright light from shining onto or upon any street and/or nearby residential property whether directly or by creating unreasonably bright glare.

B. The use of mercury vapor, high pressure sodium, and metal halide bulbs is prohibited within the Town of Arlington.

C. Any lighting, affixed to a utility pole or placed on town property, on the public right-of-way or easement, in which the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement, shall be subject to a permit by the Select Board. In granting the permit, the Select Board shall establish that the permitted lighting fixture conforms to all provisions of this by-law.

D. Up-lighting, the direct light illumination distributed above a 90 degree horizontal plane through the lowest direct light emitting part of the luminaire, is prohibited, except for illumination of the United States Flag, the Flag of the Commonwealth of Massachusetts, or other flags on Town property (including the public schools), Town and school signage providing public notices, a building façade, or a public monument. For any up-lighting, the luminaire shall be equipped with shields so that the lamp is not visible from a street, or a lot that is in Residential or Conservation use.

B. E. The following lighting shall be exempt from the provisions of this by-law:

- i. Temporary holiday lighting.
- ii. Internally illuminated signs.
- iii. Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer- term emergency lighting shall, to the largest extent possible, take into consideration the detrimental effects of glare on passing motorists and pedestrians and on residential lots.
- iv. Lighting during special events such as fairs, concerts, or celebrations sponsored by the Town of Arlington or approved by the Select Board;
- v. Lighting on playing fields and courts under the jurisdiction of the Town of Arlington;
- vi. Lighting of historic or architectural significance exempted by a vote of the Arlington Historical Commission.

~~E. Lighting installed prior to the enactment of this by-law, as amended, shall be exempt from the provisions of this by-law until April 15, 2015.~~

#### **Section 43. Enforcement**

Enforcement of this by-law shall be under the authority of the Building Inspector.

- A. For any and all lighting in violation of this by-law, in which the luminaire is owned, leased, or maintained by an electric utility, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law with the utility subject to the penalties set forth in the by-law.
- B. For any lighting that fails to conform to the terms and conditions of permit provisions of this by-law, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.
- C. For any lighting that uses mercury vapor, high pressure sodium, or metal halide bulbs, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.
- D. For any other instances, upon receiving a complaint in writing, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.

~~Upon receiving a complaint in writing, from a resident or property owner in the Town, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.~~

#### **Section 54. Fines & Fees Schedule**

- A. First offense: A written warning stating a property owner/resident or utility is in violation: Ten (10) days to meet compliance.**
- B. Second offense: \$25.00 Fine. Five (5) days to meet compliance.**
- C. Third offense and \$50.00 Fine. Five (5) days to meet compliance before each subsequent offense another \$50.00 \$100.00 fine issues.**

**(5 – 0)**

**COMMENT:** Article 8 of the 2014 Annual Town Meeting adopted the first set of comprehensive changes to the Town's regulation of Outdoor Lighting. However, over the past four years, the scope of those changes has been insufficient to address resident concerns regarding the impact of lighting and glare on quality of life. In particular, commercial light sources using outdated lighting technologies pose significant nuisances. The proposed revisions to the Outdoor Lighting bylaw (based upon the International "Dark Skies" Association's model ordinance) will incentivize commercial lighting sources, especially utilities such as Eversource, to switch to modern LED lighting. It will also create a permit system for lights placed on the right-of-way by private entities.

The Board notes that many local businesses have already switched over entirely to LED lighting. Further, the exceptions maintained within Section 3.E., above otherwise address many common concerns about specific scenarios for the availability of non-LED residential or commercial lighting and up-lighting.

#### **ARTICLE 44**

#### **HOME RULE/CPA SURCHARGE EXEMPTION FOR SENIOR HOMEOWNERS**

**VOTED: That no action be taken on Article 44.**

**(5 – 0)**

**COMMENT:** The Board commends the petitioner for seeking to identify additional means by which the Town may ameliorate the property tax burden on Arlington's senior residents. However, the Town already opted to both exempt the first \$100,000 of commercial and residential value from the CPA surcharge, and exempt qualifying low and moderate income seniors entirely at the ballot when the CPA was adopted. Carving out a further exemption without going to the voters first is procedurally problematic. More importantly, the Board is asking this Town Meeting both to adopt a Senior Property Tax Deferral Income Limit (Article 38) and a Senior Means-Test "Circuit-Breaker" Tax Relief Program (Article 43). Both of those means of assisting senior homeowners meet their tax burden will provide more significant tax

relief than the proposed CPA exemption without weakening our successful CPA program, which receives matching funds from the state.

## **ARTICLE 45**

### **EXTENDING LOCAL VOTING RIGHTS TO ALL LEGAL PERMANENT ARLINGTON RESIDENTS**

**VOTED:** That the Select Board be and hereby is requested and authorized to file for Home Rule Legislation which will provide substantially as follows:

#### **“AN ACT TO EXTEND LOCAL VOTING RIGHTS TO ALL LEGAL PERMANENT RESIDENTS OF THE TOWN OF ARLINGTON.**

Be it enacted, etc., as follows:

**Section 1.** Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, permanent legal residents eighteen years of age or older who reside in Arlington may, upon application, have their names entered on a list of voters established by the Town Clerk for the Town of Arlington and may thereafter vote in any election for local office, including but not limited to Select Board, School Committee, Town Clerk, Board of Assessors, Housing Authority, and Town Meeting, as well as local ballot questions distinct to Arlington.

**Section 2.** The Arlington Select Board, in consultation with the Town Clerk, is authorized to formulate regulations and guidelines to implement the purpose of this act.

**Section 3.** For the purposes of this act, a permanent legal resident is a non-U.S. citizen with primary residence in Arlington who has been given the privilege, according to the immigration laws, of residing permanently as an immigrant with the issuance of a “green card” from the Bureau of Citizenship and Immigration Services.

**Section 4.** Nothing in this act shall be construed to confer upon legal resident aliens the right to run for public office, or the right to vote for any state or federal office or any state or federal ballot question.

**Section 5.** This act shall take effect upon its passage and its approval by the majority of registered voters of the Town of Arlington

(5 - 0)

**COMMENT:** The Select Board unanimously supports this effort to extend the right to vote in Arlington elections on local Arlington matters to legal, permanent, non-citizen residents (primarily green card holders who otherwise qualify as residents of the Town) who make their homes in Arlington, pay their share local taxes, volunteer in our schools and throughout Town, and are an essential part of the fabric of our community. It is a particularly appropriate effort given anticipated debt exclusion and override questions facing the Town.

In order to effect this change, home rule legislation is necessary given the status quo under state law because the General Laws make citizenship a prerequisite to voting. The Board is aware and acknowledges that it may be difficult to pass an individual voting rights petition in the Legislature on this score, as has been the experience in Amherst, Brookline, and a number of other communities throughout the State. However, even if there continues to be resistance to town-by-town changes, positive action by Town Meeting would bolster the work of Arlington State Representative Dave Rodgers, who has a bill before the House which calls for a statewide change to the same effect.

## **ARTICLE 50**

## **LOCAL OPTION/SHORT TERM RENTAL IMPACT FEES**

**VOTED:** That the Town does hereby adopt provisions of G.L. c. 64F ("Act Regulating and Insuring Short-Term Rentals", Sections 3D(a) and 3D(b) regarding the authorization of the Town to assess two local option community impact fees from short-term rental units in Arlington, including any subsequent amendments or modifications thereto, such adoption shall be effective upon acceptance.

**(5 – 0)**

**COMMENT:** Recognizing the impacts that short-term rental units (such as Air BnB and VRBO) have on communities, the Commonwealth now allows municipalities to adopt two supplemental two local option "community impact fees," which operate similarly the excise tax on hotel rooms. Thirty-five percent of the impact fee revenues must be dedicated to affordable housing or local infrastructure projects, but the remaining balance of funds may be appropriated for any legal purpose. As such, the Board urges Town Meeting to adopt this straightforward and equitable local option.

The Board notes that c. 64F allows the Town to opt to assess the fee only on certain types of short-term rental units. Were the Town to accept only c. 64G, § 3D(a), the fee would apply only to "professionally managed units," essentially meaning rentals that do not include an operator's primary residence within the dwelling. The Town may (but is not required to) also adopt § 3D(b), which applies to units located within dwellings that includes an operator's primary residence. Based upon the short-term rental landscape in Arlington, the Board recommends Town Meeting adopt both sections 3D(a) and 3D(b).



## **Town of Arlington, Massachusetts**

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### **Air Plane Noise Update**

#### **Summary:**

Frank Ciano, Arlington Liason, Massport Community Advisory Committee

#### **ATTACHMENTS:**

Type	File Name	Description
<input type="checkbox"/> Reference Material	F._Ciano_CR.docx	F. Ciano e-mail

**From:** <frankieboy@aol.com>  
acacia.matheson@gmail.com, achapdelaine@town.arlington.ma.us, carrieonmyway@gmail.com,  
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lisa.wei@gmail.com, lynn.wolfsfeld@gmail.com, mkrepelka@town.arlington.ma.us,  
myronkassaraba@gmail.com, peterjones1973@gmail.com, sean.garballey@mahouse.gov,  
stephanie.k.ford@gmail.com, yjoonlee@msn.com  
**Cc:** frankieboy@aol.com  
**Date:** 02/11/2019 02:39 PM  
**Subject:** Air Plane Noise

Honorable Town Manager and Select Board Member Curro et al,

I have been attending MCAC meetings and on 1/29/2019, I attended a committee meeting in Boston. I refer you to the [massportcac.org](http://massportcac.org) site for details.

As I have reported MIT was hired by Massport to study solutions to the airplane noise issue resulting from the RNAV implementation in 2013.

I had previously informed you of the summary of one of the MIT suggestions which continues to be considered by the FAA as part of Block 1 that was approved by the MCAC. This consisted of planes flying slower at take-off along with other considerations. The speed was suggested by MIT as a possible noise abatement.

The 2nd set of options from MIT continues to be worked on is ways to introduce greater dispersion of 33L departures. This is called Block 2 and a summary would amount to changing routes so that no one community is impacted more than others. Some of the options considered would have planes turning sooner based on controller direction or altitude. These options would be ideally moving some planes off of the concentrated RNAV routes and spread them out more like before 2013. This consideration will not be easy as it moves planes over some neighborhoods in some communities that have fewer flights. Arlington had a significantly lower and less concentrated impact from airplane noise prior to RNAV so we would hope to have something that would be fairer to all. There is still additional analysis that has been requested from MIT comparing the dispersion alternatives to pre-RNAV routes. Once the analysis has been received it is expected that the 33L Municipal Working Group will meet to review.

In other business, the Massport CAC budget was increased from \$250,000 to a maximum of \$500,000 with increases by \$50,000 per year to the maximum. The additional funding allowed the Massport CAC to hire an Executive Director, Matt Romero formerly of MWRA. As you know the funding per statute comes from Massport.

Please feel free to contact me  
thank you

Frank Ciano



## Town of Arlington, Massachusetts

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### Requesting Snow Plow Drivers to Limit Speed

#### Summary:

David Bean, 50 Jason Street

#### ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	D._Bean_Letter.pdf	Reference

50 Jason Street  
Arlington, MA 02476  
February 13, 2019

Select Board  
Arlington, MA 02476

Dear Board Members:

The morning after the snowstorm has revealed what is too common on my street: the snow has been plowed from the roadway into the previously cleared sidewalk. The sidewalk in front of my house is filled with large chunks of frozen, icy snow. The sidewalk on the other side appears relatively clear this time. See the photos on the next page (taken just now). The snow is cleared to within inches of the curb on the even side of the street and the debris covers the sidewalk. The odd side of the street is not cleared so near the curb and the sidewalk is still clear from last night.

The cause is overeager snow plow drivers clearing the pavement too close to the curb and at too high a speed. Once the center of the roadway is clear, the plows can proceed quite quickly and throw the snow right out of the street. By that time, of course, the snow has gotten plenty of salt in it and has become slushy. I deduce that plows going downhill in front of my house are much faster than those going uphill on the other side of the street.

This all takes place in the wee hours of the night, when those of us who have tried to get ahead of the snow have gone to bed. By morning, the sidewalk has become a jagged mass of heavy ice that is almost impossible to clear. It is too heavy for reasonable shoveling and too hard and massive for a snowblower to deal with.

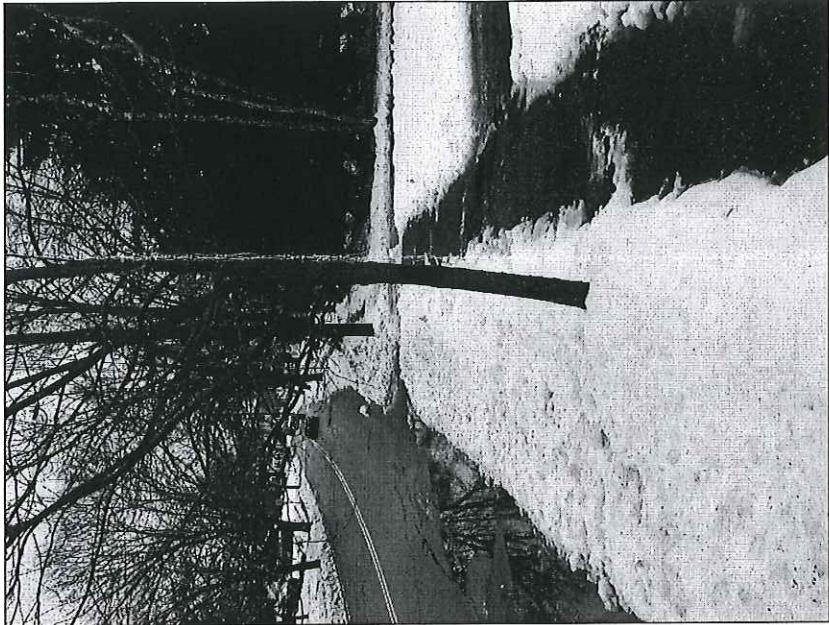
The Town warns homeowners again and again not to throw the snow from sidewalks and driveways into the street. Yet "cowboy" drivers do not show the appropriate consideration for the work done by homeowners. Sometimes I think that it would be easier for me if the street was not plowed at all and I was required to clear both the sidewalk AND my side of the street. At least I would only have to do it once and no boulders of ice would be involved.

Can the Board direct the Director of Public Works to instruct the plow drivers to limit their speed so as not to throw snow into the sidewalks? I am not looking forward to the cleanup that will be necessary this morning. I am even less eager to face it again after an even soggier snowfall later in the season.

Sincerely,



David Bean  
Town Meeting Member, Precinct 8



Odd side of street. The snow is only cleared to within about two feet of the curb. The sidewalk is quite clear and passable.



Even side of street. Note how close the plow has come to the curb and how much snow has been thrown on the sidewalk.



## Town of Arlington, Massachusetts

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### Concerns Regarding AHS Building Project

#### **Summary:**

Peter G. Silva, 73 Fountain Road

#### **ATTACHMENTS:**

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Silva_Correspondence.pdf	P. Silva Letter

Daniel J. Dunn  
Chair-Select Board  
730 Massachusetts Ave.  
Arlington, MA 02476

Dear Mr. Dunn:

I read with interest the article by Patricia Worden in the Advocate recently (attached). I had forgotten this study until she noted it. Why is this not an option for taxpayers for the election of such ioverride in June? Based on what I understand, as doe Ms. Worden it meets the needs of the student body and the requirements of the government.

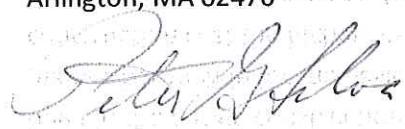
First of all I am not against education and upgrading our schools. I have lived here for fifty years so far, and my wife for many more. I have supported the replacement or major renovations to every elementary school, Ottoson Jr., the High School in the 1980's and recently, reluctantly the Minuteman Tech. endeavor (still think we should have opted out).

It is the responsibility of the school committee, the planning board and the selectmen to address the basic needs and provide the most cost effective manner to achieve such. If they opt to make a more costly presentation as an alternative selection for the taxpayers to make a decision that is fine. I have been in the design construction business for over 50 years and dealt with many architects. There are many who provide for the basic design and just as many who build Taj Mahals. The higher the construction cost the higher their fees. If we have a design that will meet our basic needs for \$150M then we should not be presenting to the taxpayers another plan that costs \$300M. They can both be on the agenda with the pros can cons for each as I believe the people of Arlington are intelligent enough to understand such.

We all just received an increase in taxes (mine was over \$600 yearly) and now it is planned to ask for another \$800 annually. I can guarantee you that my SS increase was nowhere near either one. You are driving senior citizens out of town, many of whom, like myself have enduring and supported major expenditures over the years for our school system.

If the design as detailed in Ms. Worden's article meets our needs, it is unconscionable that the more expensive plan is being pushed forward.

Peter G. Silva  
73 Fountain Rd  
Arlington, MA 02476



# Our town, our high school

By Patricia B. Worden

On Sunday, Feb. 3, Aram Hollman wrote a critique in the Arlington List of the pro-density new housing drive of Arlington Redevelopment Board/Planning Department/Town Manager pointing out its huge and ongoing costs for Arlingtonians. Current plans under consideration include construction of "street walls" (urban canyons) of dense housing along major business and commercial areas (Massachusetts Avenue and Broadway) encouraging many buildings like the new one at 887 Massachusetts Ave. multiplied many times by zoning which also includes provisions completely eliminating affordability in such buildings and elimination of open space, trees around them. The character of Arlington is planned to be completely changed.

These ARB/PD/Manager's plans also include forcing residential districts etc. to accept the creation of accessory apartments essentially changing entire single-family residential districts into two-family districts. The planned accessory units are not affordable. Unless strongly enforced it would encourage an Airbnb push into Arlington. The only type of new housing that Arlington needs is affordable housing.

No information has been provided by the manager or Select Board as to how increasing costs for infrastructure, schools, and support services to the hundreds or thousands of new residents are to be met. Arlington is already the second most dense town in Massachusetts – population density higher than Boston. Not one of our abutting towns (Winchester, Belmont, Lexington) is engaged in this Mayors' Coalition endeavor to massively increase regional population density (Arlington's town manager has become a Mayors' Coalition member.).

Mr. Hollman additionally observed that current planned costs for Arlington High School rebuild are unacceptably high.

The project should immediately be rebid for approximately half the current \$290-\$300 million figure (\$800 annual residential tax increase). A request for the original maximum AHS rebuild cost of \$150 million should again be made and this time adhered to. Allowing architects and Building Committee to simply ignore that upper limit resulted in rampant escalation of architect and construction company costs enabled by choice of all-new construction (in preference to much less expensive and educationally better renovation/addition choice).

However, the only way to reduce AHS rebuild cost to \$150 million is to maximize the high intrinsic value of the huge Fusco building by renovation (note the Gibbs School very successful \$27 million total renovation by a different architect). Anyone who doubts this should visit previously abandoned and vandalized but now rescued and remodeled mill buildings in Lawrence (which are similar in heavily timbered construction to Fusco). These renovated buildings are now used for residences and for government, medical, university, restaurant, fitness, light industry and other facilities.

A properly renovated and insulated Fusco building with state of the art mini-split energy system (renovation cost - \$19 million) together with renovation of the magnificent, historic, iconic Collomb building (\$9 million) would greatly benefit our students and could be done in one summer – ready for occupancy in September 2019. Their quality is much superior and more durable than anything HMFH architects have designed.

The remaining AHS rebuild should mostly be done in the rear probably by a very large addition (larger than Robbins Library addition, cost \$12 million) - efficient to heat - geothermal and solar - at the site of the current largest (red) gym which could be demolished and replaced temporarily by an inflatable gymnasium in the

front of AHS or on the football field. Little or no phasing of students during construction would be necessary. The town manager should not take over land in the rear part of the AHS campus at a cost of up to \$60 million-\$90 million for non-school town purposes with parking and for the Department of Public Works parking in addition to imposing a completely new intrusive two-lane road (on top of the Mill Brook culvert) separating AHS from the athletic fields. The high school campus is already undersized and should not be accommodating other town functions. Structured parking should be provided on AHS land behind CVS to avoid taking basketball court and soccer field land for parking.

Fusco should have been renovated 10 years ago to make a beautiful facility for at least part of the campus. Instead, School Committee and Administration decided to use spacious, comfortable and bright Fusco rooms with installed air conditioners for themselves while students and teachers were often placed in neglected, small, poorly lit, shoddily subdivided rooms sweltering in warm weather.

Renovation/addition of AHS must be done to provide the best education for high school students and stop the rush to plunder the AHS campus and athletic fields.

Fortunately, we are a town, not a city, and Town Meeting members have the final responsibility for a better high school at less cost and rejecting densification.

— Patricia Barron Worden is Town Meeting member for Precinct 8. Worden has also served as: former member and chair, Arlington School Committee; former charter member, Arlington Affordable Housing Task Force; former charter member, Arlington Human Rights Commission; member, Housing Plan Implementation Committee; and former member and chair, Arlington Housing Authority.



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**Town of Arlington, Massachusetts**

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**NEW BUSINESS**



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**Town of Arlington, Massachusetts**

**Next Scheduled Meeting of Select Board March 11, 2019.**